

BUSINESS PAPER



Deputy Mayor Councillor Ross Fowler OAM (third from left) at the at sod turning ceremony for Uniting's Edinglassie Village Stage 2 with Uniting CEO Tracey Burton (second from right).

The event marked the beginning of construction for purpose-built independent living in the heart of Emu Plains. When complete the site will include 147 independent living apartments across five free-standing buildings that is scheduled to welcome new residents in mid-2027.

Ordinary Meeting 22 September 2025

16 September 2025

Dear Councillor,

In pursuance of the provisions of the Local Government Act, 1993 and the Regulations thereunder, notice is hereby given that an **ORDINARY MEETING** of Penrith City Council is to be held remotely using audio visual links, video streamed and in the Council Chambers, Civic Centre, 601 High Street, Penrith on Monday 22 September 2025 at 7:00 PM.

Attention is directed to the statement accompanying this notice of the business proposed to be transacted at the meeting.

Yours faithfully

Andrew Moore
General Manager

BUSINESS

1. LEAVE OF ABSENCE

Leave of absence has been granted to:

Councillor Glenn Gardiner has requested a leave of absence for the 22 September Ordinary Meeting.

Councillor Ross Fowler OAM has requested a leave of absence for the 22 September Ordinary Meeting.

Councillor Faithe Skinner has requested a leave of absence for the 22 September Ordinary Meeting.

2. APOLOGIES

3. CONFIRMATION OF MINUTES

Ordinary Meeting - 15 September 2025.

4. DECLARATIONS OF INTEREST

Pecuniary Interest *(The Act requires Councillors who declare a pecuniary interest in an item to leave the meeting during discussion of that item)*

Non-Pecuniary Conflict of Interest – Significant and Less than Significant
(The Code of Conduct requires Councillors who declare a significant non-pecuniary conflict of interest in an item to leave the meeting during discussion of that item)

5. ADDRESSING COUNCIL

6. MAYORAL MINUTES

Honouring Uncle Greg Simms OAM.

Council's first 12 months.

Legacy of Doug Rennie OAM lives on.

7. NOTICES OF MOTION TO RESCIND A RESOLUTION

8. NOTICES OF MOTION AND QUESTIONS ON NOTICE

9. ADOPTION OF REPORTS AND RECOMMENDATION OF COMMITTEES

10. DELIVERY PROGRAM REPORTS

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ORDINARY MEETING
MONDAY 22 SEPTEMBER 2025
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ADVANCE AUSTRALIA FAIR

**Australians all let us rejoice,
For we are one and free;
We've golden soil and wealth for toil;
Our home is girt by sea;
Our land abounds in nature's gifts
Of beauty rich and rare;
In history's page, let every stage
Advance Australia Fair.**

**In joyful strains then let us sing,
Advance Australia Fair.**

WEBCASTING NOTICE

Please note that tonight's meeting other than the confidential sessions are being recorded and will be placed on Council's website. All in attendance should refrain from making defamatory statements. Council takes all care when maintaining privacy, however members of the public gallery and those addressing Council should be aware that you may be recorded.



Acknowledgement of Country

We acknowledge and pay respect to the Darug and Gundungarra people who are the traditional owners in which Penrith Local Government Area is situated.

We also pay our respect to elders past, present and emerging, and to the First Nations people living in our community today.



PRAYER

“Sovereign God, tonight as we gather together as a Council we affirm that you are the giver and sustainer of life. We come together as representatives of our community to make decisions that will benefit this city and the people within it.

We come not in a spirit of competition, not as adversaries, but as colleagues. Help us to treat each other with respect, with dignity, with interest and with honesty. Help us not just to hear the words we say, but also to hear each others hearts. We seek to be wise in all that we say and do.

As we meet, our concern is for this city. Grant us wisdom, courage and strength.

Lord, help us. We pray this in the name of Jesus Christ our Lord. Amen.”



Council Chambers
Seating Arrangements

Public Gallery

For members of the
public addressing
the meeting

Lectern

Directors

Media

Cr Vanessa Pollak
South Ward

Cr Glenn Gardiner
North Ward

Cr Faithe Skinner
South Ward

Cr Sue Day
South Ward

Cr Reece Nuttall
North Ward

Cr Ross Fowler OAM
North Ward

Cr John Thain
North Ward

Cr Edwin Mifsud
East Ward

Cr Garion Thain
East Ward

Cr Libby Austin
East Ward

Cr Robin Cook
North Ward

Cr Sabbie Kaur
East Ward

Cr Hollie McLean
South Ward

Cr Kirstie Boerst
South Ward

**General
Manager**
Andrew Moore

**His Worship
the Mayor**
Councillor Todd
Carney

**Head of
Governance**
Adam Beggs

Minute Clerk

Managers

Directors

Oath of Office

I swear that I will undertake the duties of the office of Councillor in the best interests of the people of Penrith and the Penrith City Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Affirmation of Office

I solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people of Penrith and the Penrith City Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

2025 MEETING CALENDAR

January 2025 - December 2025

(proposed to be adopted by Council – 28 April 2025)

	TIME	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
		Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon
Ordinary Council Meeting	7:00pm		10@	3 31	28 -	26 #	30*	21	25@	15 22^	27✓	17∞#+	8
Policy Review Committee	7:00pm		17		14		23		11		13		1

- Meeting at which the draft corporate planning documents (Delivery Program and Operational Plan) are endorsed for exhibition
 - * Meeting at which the draft corporate planning documents (Delivery Program and Operational Plan) are adopted
 - # Meetings at which the Operational Plan quarterly reviews (March and September) are presented
 - @ Meetings at which the Delivery Program progress reports (including the Operational Plan quarterly reviews for December and June) are presented
 - ^ Election of Mayor and/or Deputy Mayor
 - ✓ Meeting at which the 2024-25 Annual Statements are presented
 - ∞ Meeting at which any comments on the 2024-25 Annual Statements are adopted
 - + Meeting at which the Annual Report is presented
-
- Extraordinary Meetings are held as required.
 - Members of the public are invited to observe meetings of the Council (Ordinary and Policy Review Committee, Councillor Briefings are confidential sessions). Should you wish to address Council, please contact the Head of Governance, Adam Beggs on 4732 7597.

UNCONFIRMED MINUTES

OF THE ORDINARY MEETING OF PENRITH CITY COUNCIL HELD REMOTELY USING AUDIO VISUAL LINKS, VIDEO STREAMED ON THE COUNCIL WEBSITE AND IN THE COUNCIL CHAMBERS ON MONDAY 15 SEPTEMBER 2025 AT 7:00PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

WEBCASTING STATEMENT

His Worship the Mayor, Councillor Todd Carney read a statement advising that Council Meetings are recorded and webcast.

ACKNOWLEDGEMENT OF COUNTRY

His Worship the Mayor, Councillor Todd Carney read an Acknowledgement of Country.

PRAYER

The Council Prayer was read by Rev. Christine Bayliss Kelly.

PRESENT – IN PERSON

His Worship the Mayor, Councillor Todd Carney, Deputy Mayor, Councillors Libby Austin, Kirstie Boerst, Robin Cook, Glenn Gardiner, Sabbie Kaur, Hollie McLean, Reece Nuttall, Vanessa Pollak, Faithe Skinner, Garion Thain and John Thain.

PRESENT – ATTENDED REMOTELY

Councillor Sue Day.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Ross Fowler OAM for the period 15 September 2025 to 28 September 2025 inclusive.

82 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Robin Cook that Councillor Faithe Skinner be granted Leave of Absence for the Ordinary Meeting on 22 September 2025.

APOLOGIES

83 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Reece Nuttall that the apology received from Councillor Edwin Mifsud be accepted.

CONFIRMATION OF MINUTES - Ordinary Meeting - 25 August 2025

84 RESOLVED on the MOTION of Councillor Faithe Skinner seconded Councillor Sabbie Kaur that the minutes of the Ordinary Meeting of 25 August 2025 be confirmed.

DECLARATIONS OF INTEREST

There were no declarations of interest.

COMMITTEE OF THE WHOLE

85 RESOLVED on the MOTION of Councillor Libby Austin seconded Councillor Hollie McLean that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 7:05pm.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Libby Austin seconded Councillor Hollie McLean that the press and public be excluded from Committee of the Whole to deal with the following matters:

Outcome 5

2 Proposed Acquisition

This item has been referred to Committee of the Whole as the report refers to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

The meeting resumed at 7:17pm and the General Manager reported that the Committee of the Whole met at 7:05pm on Monday, 15 September 2025, the following being present

His Worship the Mayor, Councillor Todd Carney, and Councillors Libby Austin, Kirstie Boerst, Robin Cook, Sue Day, Glenn Gardiner, Sabbie Kaur, Hollie McLean, Reece Nuttall, Vanessa Pollak, Faithe Skinner, Garion Thain and John Thain.

and the Committee of the Whole excluded the press and public from the meeting for the reasons set out in CW1 and that the Committee of the Whole submitted the following recommendations to Council.

CONFIDENTIAL BUSINESS

2 Proposed Acquisition

86 RESOLVED on the MOTION of Councillor Hollie McLean seconded Councillor Reece Nuttall

CW2 That:

1. The information contained in the report on Proposed Acquisition be received.
2. Council resolves to acquire the property referred to in the report for a purchase price that is up to the maximum purchase price identified in line 3 of the table included in the memorandum issued to Councillors on 10 September 2025.
3. The property is classified as operational land in accordance with section 31 Local Government Act 1993.
4. The acquisition be funded from the Property Reserve.

5. Council delegate authority to the General Manager, or their representative, to submit a written Expression of Interest up to the maximum purchase price identified in line 3 of the table included in the memorandum issued to Councillors on 10 September 2025.
6. The General Manager enter into the Contract for Sale up to the maximum purchase price identified in line 3 of the table included in the memorandum issued to Councillors on 10 September 2025.

ADOPTION OF COMMITTEE OF THE WHOLE

87 RESOLVED on the MOTION of Councillor Reece Nuttall seconded Councillor Faithe Skinner that the recommendations contained in the Committee of the Whole and shown as CW1 and CW2 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 7:19pm.

PENRITH CITY COUNCIL

Procedure for Addressing Meetings

Anyone can request permission to address a meeting, providing that the number of speakers is limited to three in support of any proposal and three against.

Any request about an issue or matter on the Agenda for the meeting can be lodged with the General Manager or Public Officer up until 12 noon on the day of the meeting.

Prior to the meeting the person who has requested permission to address the meeting will need to provide the Public Officer with a written statement of the points to be covered during the address in sufficient detail so as to inform the Councillors of the substance of the address and a written copy of any questions to be asked of the Council in order that responses to those questions can be provided in due course.

In addition, prior to addressing the meeting a person addressing Council or Committee will be informed that they do not enjoy any privilege and that permission to speak may be withdrawn should they make inappropriate comments.

It should be noted that persons who wish to address the Council are addressing a formal part of the Council Meeting. All persons addressing the Meeting should give consideration to their dress attire. Smart casual is a minimum that is thought to be appropriate when addressing such a forum.

It should be noted that speakers at meetings of the Council or Committee do not have absolute privilege (parliamentary privilege). A speaker who makes any potentially offensive or defamatory remarks about any other person may render themselves open to legal action.

Prior to addressing the meeting the person will be required to sign the following statement:

"I (name) understand that the meeting I intend to address on (date) is a public meeting. I also understand that should I say or present any material that is inappropriate, I may be subject to legal action. I also acknowledge that I have been informed to obtain my own legal advice about the appropriateness of the material that I intend to present at the above mentioned meeting".

Should a person fail to sign the above statement then permission to address either the Council or Committee will not be granted.

The Public Officer or Minute Clerk will speak to those people who have requested permission to address the meeting, prior to the meeting at 6.45pm.

It is up to the Council or Committee to decide if the request to address the meeting will be granted.

Where permission is to be granted the Council or Committee, at the appropriate time, will suspend only so much of the Standing Orders to allow the address to occur.

The Chairperson will then call the person up to the lectern or speaking area.

The person addressing the meeting needs to clearly indicate:

- Their name;
- Organisation or group they are representing (if applicable);
- Details of the issue to be addressed and the item number of the report in the Business Paper;
- Whether they are opposing or supporting the issue or matter (if applicable) and the action they would like the meeting to take;
- The interest of the speaker (e.g. affected person, neighbour, applicant, applicants spokesperson, interested citizen etc).

Each person then has five minutes to make their address. Those addressing Council will be required to speak to the written statement they have submitted. Permission to address Council is not to be taken as an opportunity to refute or otherwise the points made by previous speakers on the same issue.

The Council or Committee can extend this time if they consider it appropriate, however, everyone needs to work on the basis that the address will be for five minutes only.

Councillors may have questions about the address so people are asked to remain at the lectern or in the speaking area until the Chairperson has thanked them.

When this occurs, they should then return to their seat.

Adam Beggs
Public Officer
02 4732 7597

MAYORAL MINUTES

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Mayoral Minute

Honouring Uncle Greg Simms OAM

It is with great sadness I acknowledge the recent passing of Uncle Greg, a well-respected and beloved Elder in Western Sydney.

Born Robert Gregory Simms in May of 1949, Uncle Greg was from the Gadigal Clan of the Dharug nation, with ties to the Gundungurra people of the Blue Mountains. Uncle Greg's mother was May Butler from Yuin Nation.

Uncle Greg was raised on an Aboriginal reserve in La Perouse which he called his university. It was where he got his education - where elders taught Uncle Greg values for life and stories that have been passed on to younger generations.

Uncle Greg was a key figure in Western Sydney - a master wood carver, a storyteller, teacher and mentor. Uncle Greg contributed to the celebration and preservation of First Nations language and cultural practices.

In Uncle Greg's words, his purpose as an Elder was to help young people turn their lives around, while knocking down barriers and building bridges. Last year, he received the Medal of the Order of Australia for his service to the indigenous community of Western Sydney, which Penrith City Council recognised at the 2024 Local Celebration Awards.

Over many years, Uncle Greg has been involved in community gatherings and cultural events in the Penrith area. He delivered many 'Welcome to Country' ceremonies, deepening our community and visitors' connection to the land and waters.

In 2008, Uncle Greg and staff from the North St Marys Neighbourhood Centre led a community initiative to create a Talking Tree – an inclusive meeting place for people of all cultures.

In 2021, Uncle Greg and Uncle Wes Marne joined Council, Kingswood Park Public School and local services for a community celebration at Illawong Avenue Reserve. Together they created hand print paint application art after workshops for young people about Aboriginal culture and tradition through song, dance, visual arts and storytelling.

Uncle Greg's passion and wisdom have left a legacy in our community. You could often find Uncle Greg at the Dalmarri Art Gallery in St Marys, sharing his cultural knowledge.

On behalf of my fellow Councillors and the community of Penrith, I offer my condolences to Uncle Greg's family and many friends. He will be missed.



Cr Todd Carney
Mayor of Penrith

RECOMMENDATION

That the Mayoral Minute on Honouring Uncle Greg Simms OAM be received.

Mayoral Minute**Council's first 12 months**

Tonight, I reflect on a significant 12 months - of transformation, innovation and excitement for this Council and the City of Penrith.

We welcomed 9 new faces to form Penrith's 15-strong Council after the 2024 Local Government elections, bringing different ideas to the table that complement the experience of our longer-term councillors. Together, we have a commitment to Penrith and its people. As a Council, we are proud of the organisation's achievements during the first year of this term, and we look forward to continuing to deliver for the City.

I was thrilled to be re-elected as Mayor in October, alongside Deputy Mayor, Councillor Ross Fowler OAM.

One of Council's most notable achievements so far this term has been endorsing the visionary St Marys Town Centre Master Plan. The story of St Marys, and the opportunities to build on what makes the suburb special, has always been a passion of mine. I commend Council for recognising the important role St Marys plays in the future prosperity of this City and the broader Western Sydney region.

The time for St Marys is now. This place-based, evidence-based plan will guide the reimagining of the town centre into a strategic city centre over the next 20 years. The St Marys population is projected to grow from more than 3,500 to 25,500 – and the Master Plan seeks to facilitate more than 8,360 new jobs and around 9,300 new dwellings in St Marys by 2041. The Master Plan is grounded in community. It was developed using valuable feedback from residents, businesses, community groups, and other stakeholders.

There has been lots happening across the City. In December, we opened the new 112-metre undercover pavilion and water play at Regatta Park, which residents and visitors loved over summer. With an adventure playspace and overwater viewing decks and kayak launch pads, Regatta Park is livening up the western bank of the Nepean River.

On the eastern side of the river, Council worked with the NSW Government to deliver the Nepean Avenue pedestrian pathway. This completes the bridge-to-bridge loop of the Great River Walk and improves safety with added traffic calming measures and lighting. Both projects were part of Penrith's Our River Master Plan, celebrating one of our City's greatest assets.

The Gipps Street Recreation Precinct has been recognised nationally, winning the Outdoor Sport and Leisure Facility Design Award at the 2025 Australian Sport, Recreation and Play Innovation Awards. With its choice of active and passive recreation areas, the site is a hive of activity. It attracts thousands of visitors every week.

Over the past 12 months, Council has strengthened its advocacy efforts for the City. We continue to collaborate with government stakeholders and strategic partners to drive further investment and growth in Penrith. Our Advocacy Strategy 2025 underpins this work.

We are calling on all levels of government to work together to deliver critical infrastructure, to create opportunities and build community resilience. As we head into another summer, Council is pleased that our persistent advocacy for this City will see Penrith Beach stay open for another two years. The NSW Government confirmed community and visitor access for the 2025-26 and 2026-27 summer seasons. This is a great outcome, but there is more to do.

Council will continue to advocate for longer term planning for Penrith Lakes, including permanent public access to the beach.

We are at the heart of one of the country's fastest growing regions, with the new airport opening in 2026, only 15 kilometres from the Penrith City Centre. We will be directly connected to the airport and the rest of the world when the Sydney Metro rail interchange is completed at St Marys.

Council is leading, and contributing to, important conversations that enable us to maximise opportunities for this City. We are also actively raising Penrith's profile through our ongoing collaboration with The Parks Mayoral Forum and the National Growth Areas Alliance (NGAA). I'm honoured to be the Chair of The Parks Mayoral Forum and Deputy Chair of NGAA, and to help drive our advocacy for Western Sydney and growth areas across Australia.

A proud achievement for Council has been developing a suite of documents that reflect the organisation and the community's vision for us to work towards. This includes our four-year Delivery Program outlining our strategic direction. In this, the *Penrith 2041+ Community Strategic Plan* (CSP) speaks to the community's aspirations and will be a roadmap towards our shared goals for the City over the next 15 years.

This document is part of a greater framework that will guide the next phase of Penrith's unprecedented change. It includes a four-year Delivery Program and annual Operational Plan which sets out clear goals to achieve.

Penrith is the place to be, and as Councillors we want to make it an even better place to live, work and visit.

We continue to deliver the popular Real Festival to the community and are proud of this annual program. In June, Council held its first Winter Solstice event in City Park. This was a great opportunity for the community to come together, as well as supporting increased activity along High Street. Council is currently finalising our 24-hour economy strategy and unlock further opportunities in city centres.

Penrith is proud of its far-reaching services that are of high quality. Council's Children's Services offers 52 centres as well as the Mobile Playvan. According to our Q4 2024 review by The Australian Children's Education & Care Quality Authority, all of our services meet or exceed the National Quality Standard, giving our residents confidence in the quality of our services.

This past year, Penrith won the Resource Recovery Award from Keep Australia Beautiful NSW for extending our Food Organics, Garden Organics (FOGO) waste stream to multi-unit dwellings. We now offer FOGO to all households, and thank our community for its remarkable uptake of the service. This further positions Penrith as a FOGO leader.

We streamlined our library services to be more inclusive and accessible to the community. In December, Council launched its first book vending machine at Glenmore Park. The Anytime Library is a great initiative, improving our reach and alternative service delivery method.

While it's a truly exciting time for this City, we know the rising cost-of-living is impacting the community. And Council is not immune to the price rises. We are facing the challenges of increased service demands and maintaining ageing assets. Our community has entrusted us to carefully manage growth, and this is a responsibility we take seriously. I can assure our City that we as a Council strive to achieve the best outcomes for Penrith.

From next week, we will have international sporting talent and spectators in Penrith for the 2025 International Canoe Federation's Canoe Slalom World Championships. We will again welcome people from all over the globe in 2026, when Penrith Regional Gallery presents the 25th Biennale of Sydney, a major international art festival. And of course, we continue to celebrate the mighty Penrith Panthers and their outstanding achievements over the last 5 years.

As Mayor, I am proud of Council for working hard to continue delivering great outcomes over the past 12 months. We are driven to make Penrith an even more vibrant, connected, authentic and liveable City for everyone.

Thank you to my fellow councillors for your commitment to our wonderful community – I look forward to seeing our list of achievements grow during this term of Council.



Cr Todd Carney
Mayor of Penrith

RECOMMENDATION

That the Mayoral Minute on Council's first 12 months be received.

Mayoral Minute

Legacy of Doug Rennie OAM lives on

I am saddened to hear about the passing of Doug Rennie OAM, a long-time resident, a remarkable soccer referee, and a friend to many.

Mr Rennie was born in Scotland and came to Australia in 1961. He played soccer for the Pan Hellenic Soccer Club, now known as Sydney Olympic FC, and the Sydney Austral soccer club.

In 1964, Mr Rennie joined the Nepean District Soccer Referees Association –the base from where his career would take off.

Among his achievements, Mr Rennie held the whistle for international fixtures against teams from Greece, England, Czechoslovakia and Mexico, as well as world famous clubs Manchester United, Juventus, and AC Milan.

Mr Rennie was named Australian Referee of the Year in 1984. He inspired the next generation of referees in his role as State Coach of Referees for NSW. Mr Rennie was Chairman of the Referees Committee at three FIFA World Cup qualifying tournaments and at the FIFA Women's World Cup.

In 1994, Mr Rennie was awarded the Medal of the Order of Australia for his incredible contribution to the sport.

In 2002, Penrith City Council proudly renamed Kingswood Park Oval to 'Doug Rennie Field', recognising the long-time Kingswood resident as a pioneer for the Penrith refereeing and soccer community.

Doug Rennie Field still fosters a love for sport among our City's athletes. The field is now primarily used for rugby league, and also has a mini field.

Council has continued to invest in this important local facility with new amenities opened in 2023. These improvements included universal and inclusive change rooms, an officials' change room, first aid room, canteen area, storage facilities and accessible toilets.

Council extends its sincere condolences to Mr Rennie's loved ones, and we thank him for the mark he left on the Penrith community.



Cr Todd Carney
Mayor of Penrith

RECOMMENDATION

That the Mayoral Minute on Legacy of Doug Rennie OAM lives on be received.

DELIVERY PROGRAM REPORTS

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**OUTCOME 1 - WE PROTECT AND ENHANCE AN ECOLOGICALLY
SUSTAINABLE ENVIRONMENT**

There were no reports under this Delivery Program when the Business Paper was
compiled

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OUTCOME 2 - WE ARE WELCOMING, HEALTHY, HAPPY AND CONNECTED

Item	Page
1 Magnetic Places Program 2025-26	1



1 Magnetic Places Program 2025-26

Compiled by: Natalie Wadwell, Neighbourhood Renewal Lead
 Kelly Aguirre, Community Project Officer - Neighbourhood Renewal
 Josh Staines, Senior Policy Officer - Aboriginal

Authorised by: Marcella Kelshaw, Head of City Activation, Community and Place
 Sandy Davies, Director Community Connection

Outcome	<i>We are welcoming, healthy, happy, creative and connected</i>
Strategy	<i>Build and support community resilience to adapt to changing circumstances</i>
Principal Activity	<i>Work with local communities to identify priority issues in their area and build local resilience</i>

Executive Summary

This purpose of this report is to provide Councillors with information regarding the 2025-26 Magnetic Places Grant. The report provides background information on the grant program and recommends four new projects for funding as part of Magnetic Places Grant 2025-26 round.

The total funding available through Magnetic Places is \$50,000. Applications for the 2025–26 round opened on 1 July 2025 and closed on 25 July 2025. Thirteen eligible submissions were received, requesting a total of \$184,412 in funding. The assessment panel reviewed eligible applications against the guidelines and selection criteria. There are four projects recommended for funding at a total of \$49,990. Projects not recommended for funding are summarised in Appendix 1.

Background

Magnetic Places is part of Council's Community Funding Program within the Creative Communities stream. Magnetic Places is a celebrated grant that positions Penrith City as a leader in community-driven placemaking. The Community Funding Program aims to achieve social and cultural outcomes by funding a diverse range of activities, programs, events, and projects that support strong and connected communities that are thriving, vibrant, and creative.

Magnetic Places is delivered annually through Council's Neighbourhood Renewal Program (the Program). The Neighbourhood Renewal team was established in 2006 as part of Council's Established Areas Strategy. The team works with communities to improve wellbeing and infrastructure in key neighbourhoods.

Magnetic Places was developed in 2007 to support creative arts activities that magnify resident stories, provide opportunity for creative expression and activate locations across key neighbourhoods.

Since its inception, Magnetic Places has funded 115 projects that celebrated collaboration, creativity and culture. Many residents across key neighbourhoods have contributed to these transformative projects led by professional artists and community service organisations.

The 2024–25 round marked the first delivery of the program under revised funding guidelines endorsed by Council in July 2024. These guidelines strengthen the grant's focus

on inclusive, high-quality community engagement and artistic outcomes through co-authorship with residents.

Recommendation for 2025-26 projects

Magnetic Places was open for applications over four weeks between 1 July 2025 and 25 July 2025.

During this time, Council actively promoted the grant opportunity through a paid social media and email campaign delivered by ArtsHub, the primary online resource for the Australian arts sector. The program was also promoted via Council's website, social media, local community service interagencies, and other networks.

The total funding available through Magnetic Places 2025-26 is \$50,000. Thirteen eligible applications were received requesting a total combined funding of \$184,412.

Eligibility and assessment criteria

To be eligible for Magnetic Places, proposed projects must be delivered in and be open to residents living in one or more key neighbourhoods from the guidelines. These neighbourhoods are part of the broader Neighbourhood Renewal Program which operates in Council's Established Areas Strategy. Eligible applicants can include professional artist/s with an ABN, non-government organisations, incorporated groups and unincorporated groups that are auspiced by an incorporated organisation.

Eligible applications were assessed against the following criteria:

- Grant application demonstrates the capacity and experience of the applicant to deliver the proposed activity.
- Grant application outlines how the proposed activity will share and celebrate local stories through co-authored art activities with the community.
- Grant application demonstrates how the proposed activity will increase and broaden community participation.
- Grant application outlines how the proposed activity will activate, transform and/or animate public spaces.

Applications were submitted online via SmartyGrants. The assessment of applications was conducted by an appropriately experienced panel against the selection criteria. This process is aligned with the Community Funding Program endorsed by Council on 22 July 2024. This competitive assessment led the panel to recommend four projects to Council for funding which represents a total funding request of \$49,990. These projects are outlined in Table 1 below.

Table 1 – Summary of recommended successful applicants 2025 – 2026

Project 1	Community Games Day
Applicant	Ms Josie Cavallaro
Focus location/s	St Marys
Description	A participatory arts project led by artist Josie Cavallaro in collaboration with local community services and disability support organisations. Across seven free workshops, culturally diverse and socially isolated residents will design and build interactive games inspired by their stories, memories, and sense of place. The project culminates in a public games day at St Marys Corner, transforming the lawn into a vibrant, playful hub. The broader community will be invited to explore, play, and connect through these co-created works, fostering social connection, cultural expression, and local pride.
Requested funding	\$14,734
Recommended funding	\$12,500
Project 2	Listening Walks by the Water
Applicant	Ms Oonagh Sherrard
Focus location	Cranebrook , St Marys, Werrington
Description	Led by artist Oonagh Sherrard and Dharug educator Erin Wilkins, in collaboration with primary school students. The project includes two guided, mindful listening walks at local waterways. Participants will engage in sound journaling, share stories of history, ecology and culture, and hear underwater sounds using specialised microphones. Their creative responses will be compiled into an online digital story, showcased at a public screening, fostering connection to place, cultural heritage, and community wellbeing.
Requested funding	\$15,000
Recommended funding	\$12,500
Project 3	Stories From Here: Watch this Space!
Applicant	Made in the West Film Festival

Focus location	Cambridge Park, Cranebrook, Kingswood, St Marys
Description	Led by Made in the West Film Festival in collaboration with local artists and filmmakers. The project includes a storytelling project supporting Penrith residents to become community documentarians. Through free, hands-on workshops led by local artists and filmmakers, participants will learn to capture neighbourhood stories — from local heroes to cultural traditions — using smartphones or cameras. Finished short films will be shared via QR-coded signage in public spaces, creating an open-air gallery. The project builds creative skills, fosters pride and connection, and transforms familiar places into interactive hubs of local culture and identity.
Requested funding	\$14,490
Recommended funding	\$14,490
Project 4	WonderSpace
Applicant	Wondiverse
Focus location	St Marys, North St Marys
Description	Led by neurodivergent artists Madeleine Jaine Lobsey and Bria McCarthy, in collaboration with schools, disability services, and First Nations programs in St Marys. The project includes a series of six inclusive storytelling workshops where young people (ages 10–25) explore art, movement, sound, and storytelling in their own way. Their creations will be transformed into a printed and digital zine, launched at a public event featuring projections, soundscapes, and interactive storytelling. The project removes barriers to participation, celebrates diverse voices, and fosters community pride, connection, and belonging.
Requested funding	\$15,000
Recommended funding	\$10,500
Total funding allocated	\$49,990 (of \$50,000 available)

Appendix 1 lists nine applications that the assessment panel have not recommended for funding.

This was a competitive round. Unsuccessful applications weren't as strong in aligning with the guideline requirements on co-authorship with residents to magnify their stories and connection to place, partnerships with local services to ensure successful delivery and project viability such as confirmed sites and permissions, realistic budgets, and clear strategies in reaching community groups in key areas.

Grant Administrators will provide feedback and support to unsuccessful applicants where needed. Where appropriate, other funding sources and opportunities to collaborate will also be communicated.

Financial Implications

Funding of up to \$50,000 for delivery of the 2025-26 Magnetic Places Grant is available within budgets adopted as part of the 2025-26 Operational Plan. It is recommended that \$49,990 is allocated as summarised in Table 1 and the remaining \$10 be absorbed into the Neighbourhood Renewal Operational fund.

Risk Implications

Successful applicants must comply with Council's policies and funding agreements as a condition of receiving the grant, including maintaining Public Liability Insurance. Council officers will work closely with successful applicants to review project activities, confirm feasible scope with partial funding and mitigate risks to the community.

Conclusion

The Magnetic Places program continues to provide opportunities for residents to connect, express themselves creatively, and contribute to the transformation of public spaces in key neighbourhoods.

For the 2025–26 period, four of thirteen eligible submissions are recommended for funding. Pending Council endorsement of the assessment panel's recommendations, \$49,990 of the \$50,000 budget will be allocated. These projects will engage a diverse range of community members across Cranebrook, Werrington and St Marys, and further establish Penrith City as a leader in community-driven placemaking and creative neighbourhoods.

RECOMMENDATION

That:

1. The information contained in the report on Magnetic Places Program 2025-26 be received.
2. The four projects (Table 1) recommended by the assessment panel for Council to fund are endorsed.

ATTACHMENTS/APPENDICES

1. Magnetic Places Program 2025-26 - Unsuccessful Applicant List 5 Pages Appendix



Appendix 1: Magnetic Places 2025–26

Applications not recommended for funding



Applicant	Satiu Studios
Project	Fale Fest: (working title) Pop Up Poetry, Pacific Performances & Food
Description	Proposed a four-week series of Saturday activations in St Marys featuring a pop up poetry stall, live Pacific performances, and cultural showcases. Aimed to celebrate creativity, amplify Pacific voices, and foster connection through inclusive, interactive public events.
Amount requested	\$15,000
Applicant	Ms Diamando Koutsellis
Project	Local native plants of St Marys
Description	Proposed the removal of an ageing mural at Baldos Lane, St Marys, replacing it with a new artwork led by professional artist Diamando Koutsellis. The project aimed to involve residents, young people, and local stakeholders in revitalising the walkway and celebrating local flora.
Amount requested	\$15,000
Applicant	Henry Lawson Football Club
Project	Henry Lawson FC Mural Project
Description	Proposed creating a large community-led mural at Parkes Avenue Reserve, engaging players, families, young people, and residents in design and painting. Intended to reflect local stories, foster pride, deter graffiti, and activate a high-traffic space used weekly by hundreds of community members.



Amount requested	\$15,000
Applicant	Penrith Performing & Visual Arts Ltd
Project	Workshops, Exhibition, Launch event
Description	Proposed a series of creative workshops with First Nations young people in Cranebrook, led by artist Dennis Golding. Participants would produce wearable cape artworks inspired by local stories and the 1965 Freedom Ride. Culminates in a public exhibition at Ripples Penrith to celebrate cultural identity and community connection.
Amount requested	\$15,000
Applicant	Scary Strangers
Project	Scary Strangers presents: Penrith Punchlines
Description	A free, nine-week stand-up comedy training program for 10 Penrith locals from key neighbourhoods, culminating in a live graduation showcase at the Joan Sutherland Performing Arts Centre. Participants would learn comedy writing, performance skills, and storytelling, drawing on lived experiences to connect with audiences.
Amount requested	\$13,688
Applicant	Elevated Culture Foundation
Project	Elevated Culture Art Mural



Description	A student-led mural project at Colyton High School exploring cultural identity through weekly storytelling and art workshops with a professional artist. Students would co-design and paint a large mural on school grounds, culminating in a public showcase day to celebrate their work with families and community.
Amount requested	\$15,000
Applicant	Mr Sylvestre Lattao
Project	Balibbayan Dreams: A Living Archive of Filipino Penrith
Description	A community-led art project documenting Filipino-Australian family histories in Penrith through photos, recipes, heirlooms, and oral histories. Contributions would be curated into an immersive installation and print publication, with events celebrating Filipino culture, identity, and intergenerational connection at a local community venue.
Amount requested	\$15,000
Applicant	Studio LOZ
Project	Self-Contained: A Lenticular Artwork and Creative Workshop
Description	An installation of a large, interactive sculpture that reflects and distorts the viewer's images. Workshops would guide participants in creating their own smaller artworks to take home.
Amount requested	\$12,000
Applicant	Contact Culture Inc



Project	Contact Improv Dance Journey
Description	A project to audition two local dancers for a paid three-month Contact Improvisation Dance training. They would host free workshops in key suburbs and create a documentary of their journey. The project aimed to promote connection, physical expression, and community participation through dance.
Amount requested	\$9,500

OUTCOME 3 - WE PLAN AND SHAPE OUR GROWING CITY

Item		Page
2	<u>Results of Public Exhibition and Public Hearing - Planning Proposal for Reclassification of Three Sites in St Marys</u> Procedural note: Section 375A of the Local Government Act 1993 requires that a division be called in relation to this matter.	13
3	<u>Proposed Dedication of Land for a Riparian Corridor and Open Space within Village 6, Ninth Avenue, Jordan Springs (Western Precinct)</u>	18



2 Results of Public Exhibition and Public Hearing - Planning Proposal for Reclassification of Three Sites in St Marys

Compiled by: Owen Lay, Planner
Brooke Levingston, Executive Planner

Authorised by: Christine Gough, Head of City Planning
Andrew Jackson, Director Planning and Regulatory Services

Outcome	<i>We plan and shape our growing City</i>
Strategy	<i>Undertake strategic planning that will ensure balanced growth and liveability</i>
Principal Activity	<i>Facilitate appropriate land use outcomes for our city that are consistent with our Local Strategic Planning Statement</i>

Previous Items: 6- Planning Proposal for the Reclassification of 3 Sites – St Marys- Ordinary Meeting- 03 Mar 2025 7:00 PM

Procedural note: Section 375A of the Local Government Act 1993 requires that a division be called in relation to this matter.

Executive Summary

The purpose of this report is to present the results of the public exhibition and public hearing for a Planning Proposal to reclassify 3 Sites in St Marys and recommend that Council endorse the proposal to proceed to finalisation. The Planning Proposal seeks to amend Penrith Local Environmental Plan 2010 (LEP 2010) to reclassify three Council-owned sites from Community land to Operational land and remove the public reserve status for these properties.

The proposed amendments will enable Council to evaluate and activate the potential future uses for these sites and assist Council to meet its strategic goals of urban revitalisation, economic development, delivering housing supply, and employment.

The Planning Proposal was placed on public exhibition from Thursday 5 June 2025 to Monday 7 July 2025. A public hearing was held on 18 August 2025 to enable the community to expand on their written submissions and discuss their concerns with an independent chair in a public forum. Two written submissions were received during the public exhibition period. Both submitters also made a verbal submission at the public hearing. One submission was in support of the reclassification of 12A Champness Crescent. The second submission opposed the reclassification of the same property on the basis of the development potential that could be generated and the impact that that could have on surrounding areas.

Having considered the submissions received, this report recommends that Council endorse the Planning Proposal and refer it to the Minister for Planning and Public Spaces with a request for finalisation. The Planning Proposal is provided at Attachment 1 of this report.

Background

The Planning Proposal seeks to amend LEP 2010 to reclassify three sites in St Marys from Community Land to Operational Land and remove the public reserve status for these properties. The Planning Proposal applies to the following sites:

- Site 1 - 12A Champness Crescent, St Marys
- Site 2 - 32A Champness Crescent, St Marys

- Site 3 - 110A Dunheved Circuit, St Marys

The proposed amendments enable Council to evaluate and activate the potential future uses for these sites and assist Council to meet its strategic goals of urban revitalisation, economic development, delivering housing supply, and employment.

Council at its Ordinary Meeting of 3 March 2025, endorsed:

- The Planning Proposal to be forwarded to Department of Planning, Housing and Infrastructure (DPHI) to seek a Gateway Determination.
- The public exhibition of the Planning Proposal in accordance with the Gateway Determination conditions and relevant legislation.
- An independently chaired public hearing be held regarding the land reclassification aspects of the Planning Proposal.
- A further report be presented to Council following the public exhibition and public hearing.

On 15 May 2025, DPHI forwarded Council the Gateway Determination (provided as Attachment 2) that allows the Planning Proposal to proceed to public exhibition, with no requirement for consultation with public authorities or government agencies.

Given the Planning Proposal involves the extinguishment of interest in Council land, the Minister for Planning and Public Spaces is authorised as the local plan making authority.

Public Exhibition and Public Hearing

The Planning Proposal was publicly exhibited from 5 June to 7 July 2025. The public exhibition was undertaken in accordance with the Gateway Determination, community consultation requirements of the Environmental Planning and Assessment Act 1979, the Environmental Planning and Assessment Regulation 2021, and Council's Community Participation Plan.

The exhibition material was available to view at:

- NSW Planning Portal
- Council's YourSay page
- Penrith Civic Centre
- Penrith and St Marys Libraries

A newspaper advertisement was placed in the Western Weekender and notification letters sent to nearby landowners and occupiers notifying them of the public exhibition.

In accordance with Section 29 of the Local Government Act 1993 and Practice Note PN 16-001, reclassification of Council-owned land also requires an independently chaired public hearing to be held. The public hearing gives the community an opportunity to expand on written submissions and to discuss issues with an independent person in a public forum. The public hearing must occur after the public exhibition has ended, with a minimum 21-days' notice provided.

The public hearing took place on Monday 18 August 2025 in the Theatre Room at Penrith Library, 601 High Street, Penrith. Notice of the public hearing was published in a newspaper advertisement in the Western Weekender and via Council's Public Notices page and YourSay page. Notification letters were sent to nearby landowners and occupiers and email notifications sent to submitters.

APP Corporation was engaged by Council to chair the public hearing and to prepare a report summarising written and verbal submissions.

Submissions

Two written submissions were received during the public exhibition period; one in support and one opposed. Both submitters also made a verbal submission at the public hearing.

A summary of submissions and APP's response is provided in the table below.

Submission 1

Written Feedback	Verbal Feedback	Summary APP Response
Concern raised regarding potential development at 12A Champness Crescent. Specific concerns were raised regarding amenity impacts such as overshadowing and privacy, loss of green open space and increased demand on local infrastructure, including roads, on-street parking and drainage. The submitter requested that Council reconsider reclassification and explore alternative options for densification.	The submitter enquired about what future development is planned for 12A Champness Crescent and the expected timeframe for uplift.	The Planning Proposal seeks to reclassify land and does not propose any redevelopment. Future development and divestment options will be considered by Council once reclassification is finalised. This will be subject to a separate process and would require further consultation with the community and Council endorsement. The timing of uplift is dependent on surrounding infrastructure and market forces.
	Acknowledged that proposed uplift is beneficial for the community.	The site falls within the draft St Marys Town Centre Master Plan and is anticipated to support housing supply and affordability.
	Council should retain existing access to the site for residents of 111 Glossop Street (via the rear gates)	Existing access to adjoining properties will be retained at this stage as no sale or redevelopment are proposed at this stage.

Submission 2

Written Feedback	Verbal Feedback	Summary APP Response
Planning Proposal is supported due to positive economic impact.	Submitter noted their interest in the development potential of 12A Champness Crescent and purchase of land.	Reclassification of the land will enable development and delivery of Council's strategic vision of high density residential development and employment generating

Written Feedback	Verbal Feedback	Summary APP Response
		land within the respective areas as outlined in the St Marys Town Centre Master Plan. Future development and divestment options are not yet determined.
	Concern raised regarding suitability of the site for use as public open space due to existing visibility and access constraints.	It is acknowledged the site's characteristics, including the narrow access path and limited street frontage, hinder its use as public open space.
	Concern raised regarding Council's obligation to continue maintenance of an underused asset	Council has an obligation to maintain the asset regardless of the classification.

A copy of APP's Engagement Outcomes Report is provided at Attachment 3.

Financial Implications

There are no financial implications for Council associated with this report.

Risk Implications

There are no risk implications associated with this report.

Next Steps

Should Council resolve to endorse the recommendations in this report, the next steps are:

- Refer the Planning Proposal to the Minister for Planning and Public Spaces with a request for finalisation.
- The Minister for Planning and Public Spaces, as the local plan making authority, will prepare drafting instructions for Parliamentary Counsel's Office to draft the LEP amendment.
- Upon making the LEP amendment, the subject land will be reclassified.

Conclusion

This report presents the results of the public exhibition and public hearing of a draft amendment to LEP 2010 to reclassify three Council-owned sites from Community Land to Operational Land and to remove the public reserve status for these properties.

Two written submissions were received during the public exhibition period. These submitters also made a verbal submission at the public hearing.

APP was engaged to conduct the public hearing and prepare a report summarising written and verbal submissions. A copy of the Engagement Outcomes Report is provided at Attachment 3.

This report recommends that Council endorse the Planning Proposal, as exhibited, to be referred to the Minister for Planning and Public Spaces with a request for finalisation.

RECOMMENDATION

That:

1. The information contained in the report on Results of Public Exhibition and Public Hearing - Planning Proposal for Reclassification of Three Sites in St Marys be received.
2. Council endorse the Planning Proposal and its supporting Attachments as provided as Attachment 1 of this report.
3. Council refer the Planning Proposal and its supporting Attachments to the Minister for Planning and Public Spaces with a request for finalisation.
4. The General Manager is authorised to make any necessary minor administrative amendments to the Planning Proposal.

ATTACHMENTS/APPENDICES

1. Planning Proposal	76 Pages	Attachments Included
2. Gateway Determination and Letter to Council	3 Pages	Attachments Included
3. Engagement Outcomes Report - St Marys Reclassification	34 Pages	Attachments Included

3 Proposed Dedication of Land for a Riparian Corridor and Open Space within Village 6, Ninth Avenue, Jordan Springs (Western Precinct)

Compiled by: Gavin Cherry, Development Assessment Coordinator
Authorised by: Peter Wood, Head of Development Services
 Andrew Jackson, Director Planning and Regulatory Services

Outcome	<i>We plan and shape our growing City</i>
Strategy	<i>Undertake strategic planning that will ensure balanced growth and liveability</i>
Principal Activity	<i>Guide sustainable quality development outcomes for the community through expert advice, transparent, efficient assessment, policy input and continuous improvement</i>

Executive Summary

The purpose of this report is to obtain agreement from Council to accept the transfer of land and associated landscaping embellishments for the proposed dedication of a riparian corridor and open space connection within Village 6 of the Western Precinct, Jordan Springs.

Development Consent No.15/1535 approved the embellishment of the local park, and the broader landscape embellishment works of the riparian corridor within the Village 6 precinct of Jordan Springs. The development consent for these works was issued on 29 April 2016 and Condition No. 7 of this consent expressly establishes that the maintenance and handover of the corridor shall be undertaken in accordance with the St Mary's Precinct Plan being no less than 5 years after the completion of works.

A resolution of Council is required to allow for the finalisation of the transfer request in accordance with the conditions of Consent associated with DA No. 15/1535.

In addition, and as referenced within Condition 7 of Development Consent No.15/1535, Council adopted the Western Precinct Plan and Development Control Strategy, which includes Appendix R-Landscape Maintenance and Handover Plan. This Appendix includes identified expectations and implications for Council in the acceptance, handover and management of land within the Western Precinct. Figure 2.2 – Open Space Maintenance Requirements expressly includes agreement to accept corridors for the re-establishment of creek lines and bushland regeneration. Figure 3.4 – Western Precinct Open Space Masterplan is an extract from the Precinct Plan which details that the land subject of the current transfer request was intended for transfer to Council as an identified riparian corridor.

The developer is seeking to comply with this conditioned obligation within Development Consent No.15/1535 now that the maintenance period has been satisfied.

The condition of the land and the nature of embellishments have been inspected by Council's Development Engineering and Strategic Assets Departments and the proposal for dedication has been found to be acceptable and the intended transfer is supported.

Background

Council entered into the St Marys Penrith Planning Agreement on 19 May 2009. The agreement contains provisions for local transport works, open space works and community services for the Western Precinct. This agreement relates to Jordan Springs and specifically includes the Western Precinct which is the precinct in which the proposed land transfer / dedication relates to.

An amended St Mary's Planning Agreement was executed on 20 December 2018.

Item 4 of the revised Agreement Annexure relates to a Biodiversity Corridor of 0.86ha. The description is expressly for the corridor in the vicinity of Village 6 however Page 87 confirms that the corridor is the land is different to the corridor subject of the transfer request. As a result, Item 4 has no relevance to the subject matter.

Item D on Page 87 being 0.5ha is Item 12 of the Annexure. This is the Ninth Avenue Corridor Park. The description of works includes associated landscaping and native canopy tree planting. Lot 6148 as approved within the Village 6 consent was for a park which correlates with the Planning Agreement obligation for a 0.5ha land area. The Lot as approved was 5001sqm.

Development Application DA14/1550 was approved on 28th August 2015. The development approved was for Staged Subdivision into 215 Residential Allotments, Creation of Residue Open Space Lots, Future Riparian Corridor and Sewer Pump Lot and Associated Fire Access Lots, Road and Roundabout Construction, Earthworks and Drainage Works (Village 6).

The Development Application has been amended via 2 x subsequent modification applications. While this application does not establish a conditioned obligation relating to transfer of land or assets, the Development Application did approve the creation of the lot that is subject of the current transfer request. The DA was reported to an Ordinary Meeting of Council for determination. Council resolved to approve the application subject to conditions on 25th May 2015. A review of conditions has not identified any suggestion or conditioned requirement for land transfer to Council as part of this consent.

Development Application No. DA15/1535 was separately approved for the embellishment of the local park and broader works including the embellishment of the riparian corridor. These are the works and land subject of the current land transfer request. Refer to the separate enclosures for copies of the land proposed for transfer and the approved landscape design plans and refer to Attachment 1 for a copy of the applicable Notice of Determination.

The Notice of Determination for these embellishment works included Condition No. 6 that expressly set up an expectation for handover of the Village 6 Park and Condition No. 7 which also set up an expectation for the handover of the Riparian Corridor after 5 years post completion. The acceptance of the land and works to be transferred into Council ownership was agreed to by Council's Parks and Recreation Team (being the equivalent of Council's Strategic Assets Department as referred to now). Confirmation of asset acceptance and support of the proposal is captured in the assessment report for this development application.

Current Situation

On 16 May 2025, a request was received from the applicant for final inspection to then allow for handover of the asset and associated land transfer. Inspections were undertaken, and minor defects were identified by Council's Development Engineering and Strategic Assets

Management Departments for rectification by the applicant prior to formal acceptance of the works. The works have now been rectified, reinspected by Council officers and representatives from Council's Development Engineering and Strategic Asset Management Departments have confirmed acceptance and agreement to the proposed transfer of the land.

Legal Services Comment

Section 377(1) of the Local Government Act 1993 requires that a council resolve to accept the transfer of any land. Following a resolution of Council, the developer will lodge a transfer request via Land Registry Services which will be processed and accepted. Following that, Penrith City Council will be the registered proprietor of the land.

Financial Implications

There are no adverse financial implications for Council associated with this report. The obligations and implications for the maintenance and management of the land and landscaping assets have been agreed to by Council as part of Development Consent No. DA15/1535 with agreements secured from Council's Parks and Recreation Team in 2015 and 2016, and further agreements secured with Council's Development Engineering and Strategic Asset Management Departments in 2025, in the preparation of this report.

The maintenance obligations are also outlined within the adopted Western Precinct Plan and Development Control Strategy, which includes Appendix R-Landscape Maintenance and Handover Plan (separately enclosed). This adopted Plan outlines minimal maintenance expectations of once per month (October to April) and twice per month (May to September) and is largely limited to rubbish removal, weed monitoring, mulching and clearance of any GPT or other devices. These works are consistent with general maintenance obligations with respect to local open space within the local government area.

Risk Implications

There are no risk implications associated with this report.

RECOMMENDATION

That:

1. The information contained in the report on Proposed Dedication of Land for a Riparian Corridor and Open Space within Village 6, Ninth Avenue, Jordan Springs (Western Precinct) be received.
2. Council agree to the transfer of land and hand over / dedication of landscaping works in accordance with Condition No. 7 of Development Consent. No. DA15/1535.

ATTACHMENTS/APPENDICES

- | | | |
|---|-------------|-------------------------|
| 1. Notice of Determination for Approval - Village 6 Riparian Corridor and Pocket Park, Jordan Springs | 13
Pages | Attachments
Included |
|---|-------------|-------------------------|

OUTCOME 4 - WE MANAGE AND IMPROVE OUR BUILT ENVIRONMENT

Item		Page
4	PCC24/25-51 Shade Structures and Sails	23
5	Acceptance of Grant Funding - NSW Government 2025 Community Building Partnership Program	30



4 PCC24/25-51 Shade Structures and Sails

Compiled by: Mitchell Sammut, Project Lead

Authorised by: Tariq Rasheed, Head of Projects
Adam Wilkinson, Director Asset Services

Outcome	<i>We manage and improve our built environment</i>
Strategy	<i>Plan for and maintain accessible, safe and high quality infrastructure</i>
Principal Activity	<i>Design and deliver Council's major capital projects</i>

Executive Summary

A tender for Shade Structures and Sails, supply and install, was advertised on 27 June 2025 on the Vendor Panel website and closed on Monday 21 July 2025.

This report advises Council of the outcome of the tender process and recommends that the tender from Central Industries Pty Ltd be accepted for Shade Structures and Sails for a period of three (3) years, with an option to extend for a further two (2) by one (1) year periods by mutual agreement, and subject to satisfactory performance.

Background

Shade structures and sails play an important part of amenities in Council's parks and playgrounds. High quality and well-designed shade in our playgrounds can significantly reduce UV radiation exposure. Shade sails are free spanned fabric to poles whereas a shade structure is a frame and the fabric is attached.

From the start of 2020, Penrith City Council completed a significant shade delivery program across over 91 playgrounds, to upgrade or install shade structures and sails to playgrounds. This was under the previous contract, RFT19/20-37 Design and Construction of Shade Sails and Structures, where Central Industries Pty Ltd was the supplier throughout. This contract had expired with no further extension options. A new tender for Shade Structures and Sails, supply and install, was called.

This tender included any new shade sails or shade structures, as well as any replacements required of existing infrastructure throughout the city. Council has developed a standard suite of sails and structures dimensions, which we typically install over existing or new playgrounds. It may be the case that Council requires a custom size of sail or structure that deviates from the standard dimensions.

The contractor is required to provide design documents before any installation to ensure Council is getting the best outcome in any park or open space, this includes.

- Shadow analyses of each new installation indicating shade coverage over play equipment at 10am, 1pm and 3pm in December and June.
- Designs of the shade structure or sails to scale in plan and elevation or 3D rendering, showing critical dimensions for set out of posts.
- Structural design and certification.

This is to be designed within Council's Performance requirements

- Minimum heights / clearance:
- Critical shade protection time.
- UV Factor: Minimum 91% (Council's preference is to go as high as possible)

- Shade coverage: Wherever possible all play equipment is to be shaded. Minimum 82%
- Materials to meet Council's specifications

Council's maintenance works specifications were included in all tender responses and pricing including;

- Maintenance/repair requirements including small patching or repair of torn, ripped or burnt sections of fabric due to vandalism as well as replacement of single poles and connecting rails on structures.
- Relocation of any existing sails or structures due to site constraints or site upgrade requirements.
- Full replacement of fabric sails

Any new or existing shade structures and sails works is funded under Council's Parks maintenance budgets or various project budgets.

Tender Evaluation Panel

The Tender Evaluation Panel consisted of Council Officers - Field Coordinator - Trades Bradley Bloomfield, Parks and Open Space Asset Officer Ernest Bourne, Landscape Architect Elizabeth Roxburgh, and was chaired by Project Supervisor James Craig. Julie Stanshall from Council's Procurement team performed the role of tender administration and probity officer for this tender.

Evaluation Criteria

Tenderers were required to submit their tender using the Vendor Panel tendering software, which clearly defined the response required against each of the evaluation criteria.

The quotes received were assessed using the tender evaluation criteria of:

- Company Profile
- Conformance, Acceptance and Declaration
- Business References
- Completion of Forms Tender Price submitted
- Compliance Statement
- Demonstrated Ability
- Works Method and Program
- Local Business Preference
- Quality Assurance Systems
- Environmental Management Systems
- Employment Policies
- Work Health and Safety
- Financials

Summary of Tenders Received

A total of two (2) tenders were received by the closing date of the advertised tender and are listed below in Table 1, and Table 2 shows rates submitted.

Table 1- Tenders Received

Company	Company Address	Owners/Directors
Central Industries Pty Ltd	527 Great Western Highway, Marrangaroo NSW 2790	Lincoln Dent
Park Equip Pty Ltd	2/19 Tarlington Pl, Smithfield NSW 2164	Geoffrey James Harris Linda Louise Harris

Table 2 – Rates Submitted

Items	Supplier Price \$ Ex GST	
New Shade Sail	Central Industries Pty Ltd	Park equip Pty Ltd
20m x 10m	\$25,940	\$63,267
15m x 15m	\$21,760	\$58,264
13m x 11m	\$18,360	\$48,327
8m x 6m	\$10,140	\$40,573
9m x 9m x13m	\$9,570	\$30,399
12m x 10m x 7m	\$10,240	\$30,607
New Shade Structure	Central Industries Pty Ltd	Park equip Pty Ltd
15m x 15m	\$21,540	\$50,539
13m x 11m	\$18,260	\$35,432
8m x 6m	\$10,750	\$23,411
Below rates are for replacement of the fabric on existing shade sails/structures only		
Shade Sail	Central Industries Pty Ltd	Park equip Pty Ltd
20m x 10m	\$7,500	\$17,013
15m x 15m	\$5,550	\$17,125
13m x 11m	\$4,695	\$12,750
8m x 6m	\$2,325	\$7,538
9m x 9m x13m	\$2,475	\$6,975

12m x 10m x 7m	\$2,305	\$6,888
Shade Structure	Central Industries Pty Ltd	Park equip Pty Ltd
15m x 15m	\$5,750	\$15,750
13m x 11m	\$4,995	\$11,675
8m x 6m	\$2,600	\$7,750
Below rates are for relocation of existing shade sails/structures (including fabric)		
Shade Sail	Central Industries Pty Ltd	Park equip Pty Ltd
20m x 10m	\$23,346	N/A
15m x 15m	\$19,584	N/A
13m x 11m	\$16,524	N/A
8m x 6m	\$9,126	N/A
9m x 9m x13m	\$8,613	N/A
12m x 10m x 7m	\$9,216	N/A
Shade Structure	Central Industries Pty Ltd	Park equip Pty Ltd
15m x 15m	\$13,030	N/A
13m x 11m	\$11,370	N/A
8m x 6m	\$10,710	N/A
Rates below apply to additional cost incurred if posts are installed on surfaces other than turf	Central Industries Pty Ltd	Park equip Pty Ltd
Repair works to soft fall rubber per post	\$150	From \$400
Repair works to concrete per post	\$200	From \$400
Fabric patching repair (m2)	\$450	AS PER JOB
Repair works to asphalt	\$150	From \$600
Additional Items	Central Industries Pty	Park equip Pty Ltd

Fabric per (m2) < 50 square metres -	\$200	N/A
Fabric per (m2) 50-100 square metres -	\$150	N/A
Fabric per (m2) > 100 square metres -	\$125	N/A
Supply and install - single shade pole	\$3,800	From \$10,000
Supply and install - 3 x shade poles	\$8,800	From \$13,000
Supply and install - 4 x shade poles	\$11,300	From \$14,000
Supply and install - 6 x shade poles	\$15,170	From \$16,000
Supply and install - 8 x shade poles	\$20,820	From \$18,000
Supply and install - single connecting rail (structure only)	\$2,800	N/A
Discount per installation if 2 or more sails/structures are installed on the same site	\$2,200	Depends on sizes
If any Asbestos found on site or know ACM sites below rates may apply	Central Industries Pty Ltd	Park equip Pty Ltd
Excavation in ACM by licensed asbestos contractor and clearance certificate by an independent asbestos consultant	\$3,730	Charged @ cost plus 20%
Disposal of ACM contaminated material by a licensed asbestos contractor per ton	\$575	Charged @ cost plus 20%

Evaluation of the Preferred Tender

Both tenders were assessed against the assessment criteria to determine the tender submission that, having regard to all the criteria and scope, appears to be the most advantageous to Council. The following provides key information on the outcomes of that assessment.

Central Industries Pty Ltd prices / rates across all the items are the lowest between the two tenders and with clear definitive rates. This was also a consideration in conjunction with scoring the highest in the assessment criteria.

The panel determined that Central Industries Pty Ltd provided the best overall value to Council based on price and responses to the assessment criteria, clearly demonstrating their suitability to undertake the project.

Central Industries Pty Ltd have completed similar works including.

- Penrith City Council – Shade sails supply and install for 91 parks across the Local Government Area of Penrith, works total value \$1,530,530

- Cessnock City Council – Shade sail supply and install for six parks around the Local Government Area of Cessnock, works total value \$185,346
- City of Darwin - Shade sail supply and install for 8 parks across the Local Government Area of Darwin, total project cost \$212,137

The recommended company, Central Industries Pty Ltd was selected based on their:

1. Compliance with the tender evaluation criteria,
2. Demonstrated ability to meet Council's requirements; and
3. Competitive price for the services offered.

The pricing from Central Industries Pty Ltd is in a range consistent with opinion of probable costs when factoring in escalation of market prices in recent tenders.

Financial Implications

Assessment of the tenderers was commissioned; this included independent reference checks, financial analysis, and performance analysis on Central Industries Pty Ltd. These checks were completed by Equifax Australasia Credit Ratings Pty Ltd. Financial Services have reviewed the financial information provided by the tenderer and have not identified any reason why the contract should not be awarded.

Any new or existing shade sail works is funded under Council's Parks maintenance budgets or various project budgets.

Council's future asset maintenance budgets and asset renewal programs will be adjusted as per Council's Budget Guidelines at completion of any install of a new shade sail or structure project.

Tender Advisory Group Comments

The objective of the Tender Advisory Group (TAG) is to support the Council to achieve fair and equitable tender processes. The TAG, consisting of Adam Wilkinson- Director Asset Services, Adam Beggs – Head of Governance and Lana Axford– Acting in place of Chief Financial Officer were briefed by the Design and Projects team about the background and the process followed.

The TAG considered the recommendations in relation to the tender PCC2425-51 Shade Structures and Sails noting that the recommended tender was the lowest price, however, the company (Central Industries Pty Ltd) has demonstrated their ability to meet Council's requirements, and their proposal was considered to be the most advantageous to Council for the scale of this project. The TAG reviewed the evaluation process outlined within the report and is satisfied that the selection criteria has been correctly applied in making the recommendations.

Risk Implications

The tender process outlined in this report includes controls regarding probity and ensuring value for Council, overseen by the Tender Advisory Group. The works will be undertaken in accordance with Work Health & Safety systems with public safety a key part of the construction methodology of any new or existing shade sail or structure works.

Conclusion

Two tenders were assessed against the evaluation criteria and the panel concluded that Central Industries Pty Ltd provided the best overall submission and also met the tender evaluation criteria to undertake the project. It is recommended that tender from Central Industries Pty Ltd be accepted for Shade Structures and Sails for a period of three (3) years, with an option to extend for a further two (2) by one (1) year periods by mutual agreement, and subject to satisfactory performance.

RECOMMENDATION

That:

1. The information contained in the report on PCC24/25-51 Shade Structures and Sails be received.
2. The tender from Central Industries Pty Ltd be accepted for Shade Structures and Sails for a period of three (3) years, with an option to extend for a further two (2) by one (1) year periods by mutual agreement, and subject to satisfactory performance.
3. The General Manager be authorised to sign all necessary legal documents in relation to this matter.
4. Variations and amendments that do not materially alter the original scope of the contract be managed under the existing Penrith City Council financial delegations within the approved budgets.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

5 Acceptance of Grant Funding - NSW Government 2025 Community Building Partnership Program

Compiled by: Virginia Tuckerman, Community Facilities and Recreation Planning and Projects Coordinator
 Caroline Orde, Strategic Asset Management Coordinator - Buildings and Open Space
 Kablan Mowad, Traffic and Transport Engineering Coordinator

Authorised by: Sandy Davies, Director Community Connection

Outcome	<i>We manage and improve our built environment</i>
Strategy	<i>Plan for, maintain and provide spaces and facilities that support opportunities for people to participate in recreational activities</i>
Principal Activity	<i>Plan for community facility, sport, recreation, play, open space infrastructure provision and support project delivery</i>

Executive Summary

Advice has been received from the NSW Government that \$148,000 of grant funding from its Community Building Partnership Grant (CBP25) program has been awarded to four (4) projects, including; installing of three (3) bus shelters in Claremont Meadows, Regentville and St Marys and a contribution to a new storage building at Rance Oval, Werrington.

The following list highlights the successful applications and the grant amounts awarded:

- \$88,000 – Rance Oval, Werrington: new storage building
- \$20,000 – Installation of Bus Shelter on Sunflower Drive, Claremont Meadows
- \$20,000 – Installation of Bus Shelter on Saddington Street, St Marys
- \$20,000 – Installation of Bus Shelter on School House Road, Regentville.

Council will be making the following financial contributions, from existing budget programs, allocated to the delivery of the projects:

- \$336,840 – Rance Oval, Werrington: Building Asset Renewal Program
- \$23,560 – Installation of Bus Shelter on Sunflower Drive, Claremont Meadows: Bus Shelter Program 2025/26
- \$23,560 – Installation of Bus Shelter on Saddington Street, St Marys: Bus Shelter Program 2025/26
- \$23,560 – Installation of Bus Shelter on School House Road, Regentville: Bus Shelter Program 2025/26.

Information is also provided about three applications made by sports clubs and community organisations, resulting in a grant award of \$59,746 to Penrith City Archers and \$10,985 to NSW Rural Fire Service Association on behalf of Mulgoa Fire Brigade. Council Officers were not provided complete information about these applications at the time of submission and further investigations are required. The application by St Marys Convent Football Club was unsuccessful.

The report recommends that Council endorse acceptance of the grant amounts awarded, that grant funding agreements are signed, and that letters of thanks are prepared to the relevant Minister and State Members.

Background

The NSW Government's Community Building Partnership Program (CBP25) opened for applications on Tuesday 28 January 2025 and closed on 21 February 2025. The Program is designed to invest in infrastructure projects that deliver positive social, environmental and recreational outcomes, while promoting community participation inclusion and cohesion.

In 2025, there is a maximum of \$450,000 to allocate in each electorate. Incorporated not for profit community organisations and local Councils were eligible to apply for grants between \$10,000 and \$100,000. Local Councils are required to provide matched funding to the CBP25 grant amount awarded.

Council Officers submitted applications for ten (10) Council projects across all State Electorates and have supported clubs and community organisations in developing project scopes and designs, obtaining quotations, providing letters of support for a further two (2) applications submitted directly by two sporting clubs.

Council submitted the following ten (10) applications:

- Londonderry Electorate
 - o Storage building at Rance Oval, Werrington
 - o Installation of bus shelter on Sunflower Drive, Claremont Meadows
 - o Installation of bus shelter on Saddington Street, St Marys
- Badgerys Creek Electorate
 - o Playspace upgrade, Sales Park, Luddenham
 - o Installation of bus shelter on School House Road, Regentville
 - o Installation of bus shelter on Lenore Drive, Erskine Park
- Penrith Electorate
 - o Sand slit drainage field upgrade, Parker Street Reserve, Penrith
 - o Upgrade to 6 tennis court surfaces, Woodriff Gardens, Penrith
 - o Installation of bus shelter on Lethbridge Street, Penrith
 - o Installation of bus shelter on Richmond Road, Cambridge Gardens.

Successful applications were notified on 4 August 2025. Successful applicants are required to accept the CBP25 program's terms and conditions, which includes executing a Funding Agreement with the Department of Communities and Justice by 3 November 2025. All CBP25 projects must be completed before 3 August 2026.

Current Situation

On 4 August 2025, the CBP25 Office issued notices of determination. Four (4) projects received approval, including:

- *Rance Oval, Werrington – \$88,000 New Storage Building*

The project involves the construction of a purpose-built storage facility at Rance Oval, Werrington, to accommodate essential sports and wicket preparation equipment. The total projected cost is \$424,840. An application was submitted requesting \$100,000 in grant funding, which resulted in an award of partial funding amounting to \$88,000. Council's Building Asset Renewal program will contribute \$336,840 to the project.

- *The construction of 3 bus shelters at existing bus stops at:*

- *Saddington Street, St Marys - \$20,000*
- *Sunflower Drive, Claremont Meadows - \$20,000*
- *School House Road, Regentville- \$20,000*

This project is for the construction of Council's standard cantilever bus shelters at the above locations which will provide bus patrons in the Penrith LGA with a more accessible and comfortable public transport experience. The installation of the bus shelters will include seating, provision of much needed shade for bus passengers and construction of Disability Discrimination Act compliant bus boarding pads making the bus stops accessible. Each shelter costs approximately \$43,560 with \$20,000 funded under the CBP25 program and \$23,560 from Council's Bus Shelter Program budget.

Council Officers further engaged with external sporting and community organisations to support the submission of applications. Council Officers supported these applications through the provision of project scopes and designs, obtaining quotations, reviewing and compiling grant documentation, and providing letters of support and landowner's consent.

Support was extended to St Marys Convent Football Club in its application for \$71,170 to install additional ball safety fencing behind the modified field at Gipps Street Recreation Reserve. Although the application was unsuccessful, the club has indicated it will resubmit during a future round of the program.

Penrith City Archers requested a letter of support for the installation of a shade structure at Troy Adams Archery Fields, Werrington. Due to the flood-prone nature of the land, a Development Application is required. The CBP25 grant stipulated that landowner consent and an update on the Development Application status were necessary; however, as the Application had not yet been submitted, a support letter could not be provided for this round. Notwithstanding this, Council Officers have noted that Penrith City Archers successfully secured a grant of \$59,746. Continued assistance will be offered to encourage the Club to submit the Development Application. There remains a risk that the proposal may not be completed within the 12-month timeframe allocated for the grant's delivery.

NSW Rural Fire Service Association, on behalf of the Mulgoa Rural Fire Brigade, informed Council Officers about receiving \$10,985 in funding for an additional storage shed. Council officers will coordinate with the Brigade to confirm the project requirements.

Financial Implications

This report outlines the successful grant funding for four projects through the NSW Government Community Building Partnership Program. These grants will provide Council with the opportunity to leverage existing funding to construct new facilities and upgrade the existing facilities, improve standards, functionality, and inclusive access in line with Council's plans, programs and strategies.

Where a co-contribution of funding has been identified as part of the project budget, these will be accommodated through Council's existing programs for financial year 2025-26: Building Asset Renewal Program and Bus Shelters Program.

The estimated cost of the Rance Oval Storage project is approximately \$424,840. The co-contribution from the Building Asset Renewal Program is \$336,840. The estimated annual operational, maintenance and depreciation costs after completion is \$17,673. The future asset replacement cost is estimated at \$2,372,700 based on a 50-year useful life value and an estimated LGCI of 3.5%.

The estimated cost to deliver one DDA compliant bus shelter is approximately \$43,560. This is comprised of \$12,000 for the slab and \$31,560 for the shelter. The approximate cost for three bus shelters is \$130,680 but actual costs may vary depending on site-specific conditions and design. The estimate does not include traffic control costs, which may be required depending on the location. The co-contribution from the Bus Shelters Program is \$70,680.

The estimated total cost of the projects is \$555,480.

The maintenance and operational requirements of the upgrades will be reflected in Council's future asset maintenance budgets and asset renewal programs as per Council's Budget Guidelines.

Risk Implications

The proposed Community Building Program requires Council enter into a binding agreement with Department of Communities and Justice. A sample agreement has been reviewed by Council's Legal Services and is in keeping with obligations and responsibilities consistent with past and current grant funding and there was no cause for Council not to enter into such agreement.

There are no significant risks for Council associated with this report. All project risks will be managed by Council staff through risk management procedures and Council's Project Management framework.

Conclusion

These projects respond directly to community identified priorities recognised in Sport and Recreation Strategy and Bus Shelter Prioritisation Program list and will provide our existing and future residents with new and upgraded community infrastructure increasing urban amenity and enhanced local liveability.

RECOMMENDATION

That:

1. The information contained in the report on Acceptance of Grant Funding - NSW Government 2025 Community Building Partnership Program be received.
2. Approval be given to accept four grants awarded under the CBP25 gram program as detailed in the report, these being:
 - \$88,000 – New Storage Building Rance Oval, Werrington.
 - \$20,000 – Installation of Bus Shelter on Sunflower Drive, Claremont Meadows
 - \$20,000 – Installation of Bus Shelter on Saddington Street, St Marys

- \$20,000 – Installation of Bus Shelter on School House Road, Regentville.
- 3. The financial contributions from existing budget programs be allocated to the delivery of projects as detailed in the report and included in the CBP grant submissions, these being;
 - \$336,840 Building Asset Renewal 25/26
 - \$70,680 Bus Shelter Program 2025/26.
- 4. The General Manager be delegated authority to sign all necessary legal documents in relation to this matter.
- 5. Letters of appreciation be issued to the NSW Government Minister and local State Members.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

OUTCOME 5 - WE HAVE OPEN AND COLLABORATIVE LEADERSHIP

Item		Page
6	<u>Establishment of a Panel of Conduct Reviewers</u>	37
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9	<u>Summary of Investments and Banking for the period 1 August 2025 - 31 August 2025</u>	58



6 Establishment of a Panel of Conduct Reviewers

Compiled by: Cathy Krimmer, Governance Advisor
 Stuart Benzie, Governance Manager
 Avanthi Fernando, Governance Officer

Authorised by: Adam Beggs, Head of Governance

Outcome	<i>We have open and collaborative leadership</i>
Strategy	<i>Corporate Enablers</i>
Principal Activity	<i>Promote ethical behaviour through awareness and advice, and manage investigations of alleged corruption, maladministration or breaches of the Code of Conduct</i>

Executive Summary

The Procedures for the Administration of the Model Code of Conduct require Council to establish by resolution a Panel of Conduct Reviewers for a term of up to 4 years. The role of a Conduct Reviewer is to review and investigate allegations of breaches of the Code of Conduct by councillors, or the General Manager.

Council recently undertook an Expression of Interest process to enable suitable applicants to apply for the Conduct Review Panel.

This report seeks Council endorsement of the most suitable applicants to be placed on Council's Conduct Review Panel for a period of 4 years.

Background

The Local Government Act 1993 requires NSW Councils to adopt a Code of Conduct that incorporates provisions of the current Model Code of Conduct. Part 3 of the Procedures for the Administration of The Model Code of Conduct for Local Councils in NSW (2020) requires Council to establish a Panel of Conduct Reviewers following a public Expression of Interest process.

Conduct Reviewers may be engaged from time to time to review allegations, to conduct investigations, recommend outcomes and produce written reports in relation to alleged breaches of the Council's Code of Conduct by councillors or the General Manager. Conduct Reviewers may also be engaged from time-to-time to review allegations concerning the conduct of staff.

To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:

- a) an understanding of local government, and
- b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the Public Interest Disclosures Act 1994, and
- c) knowledge and experience of one or more of the following:
 - i) investigations
 - ii) law
 - iii) public administration
 - iv) public sector ethics
 - v) alternative dispute resolution, and

d) meet the eligibility requirements for membership of a panel of conduct reviewers. A person is not eligible to be a member of the panel of conduct reviewers if they are:

- i) a councillor, or
- ii) a nominee for election as a councillor, or
- iii) an administrator, or
- iv) an employee of a council, or
- v) a member or nominee of/for the Commonwealth Parliament or any State Parliament or Territory Assembly, or
- vi) a person who has a conviction for an indictable offence that is not an expired conviction.

Current Situation

Council undertook a public Expression of Interest (EOI) process in July via VendorPanel using a public supplier list throughout Australia. The EOI was viewed by 5,648 suppliers and 7,090 individuals and there were 34 applicants.

An evaluation panel, consisting of the Governance Coordinator, Governance Advisor and Governance Officer, with approval by the Head of Governance, assessed responses against the following criteria, in addition to evaluation based on pricing:

- eligibility to be a Conduct Reviewer as stated above
- demonstrated ability and knowledge to conduct investigations, review conduct matters and deliberate on these matters
- demonstrated ability to prepare reports to Council outlining findings and recommendations as a reviewer
- possession of public liability and professional indemnity insurance
- availability for a term of up to 4 years.

Of the 34 applicants, one did not conform with all requirements. Below is a list of all applicants.

Conduct Review Panel EOI Applicants	
Supplier Name	Evaluation Result
1. Segal Conflict Solutions Pty Ltd	Conforming
2. BAL Lawyers	Recommended for Panel
3. Professional Mediation	Conforming
4. Pinnacle Integrity	Recommended for Panel
5. Winton Consulting Pty Ltd	Conforming
6. Neos Human Resources Pty Ltd	Conforming
7. A Human Agency Pty Ltd	Recommended for Panel
8. Insyght Pty Ltd	Conforming
9. Nemesis Consultancy Group Pty Ltd	Recommended for Panel
10. The BelRose Group	Conforming
11. Mediate Today Pty Ltd	Conforming
12. Pendlebury Workplace Law Pty Ltd	Conforming
13. Insight Investigations & Mediation	Conforming
14. Riskwise Consulting Pty Ltd	Recommended for Panel
15. Noble Shore Pty Ltd	Recommended for Panel
16. Bdo Services Pty Ltd	Conforming
17. Weir Consulting (National)	Recommended for Panel
18. The Trustee For Km Unit Trust	Conforming
19. Sparke Helmore Lawyers	Recommended for Panel
20. DWF (Australia)	Conforming

Conduct Review Panel EOI Applicants	
Supplier Name	Evaluation Result
21. Centium Pty Ltd	Recommended for Panel
22. Dreamstonehr Pty Ltd	Conforming
23. WISE Workplace	Conforming
24. Solve Legal Pty. Ltd.	Conforming
25. Alvarez & Marsal Australia	Conforming
26. Worklogic	Conforming
27. Culture Matters Group	Non-conforming
28. Workdynamic Australia	Recommended for Panel
29. KPMG	Recommended for Panel
30. Mccabes Lawyers Pty Ltd	Conforming
31. Clayton Utz	Conforming
32. Scout Investigations	Recommended for Panel
33. Warfield & Associates Pty Ltd	Conforming
34. McCullough Robertson	Conforming

The 12 applicants recommended for the Panel meet the criteria listed above, have suitable experience and bring a range of skills and expertise across law, public administration, local government and workplace relations. Officers believe that these applicants represent a suitable amount of expertise for Council to draw on to conduct investigations, where required, and will adequately addresses the requirements for a Conduct Review Panel under the Procedures. The applicants recommended by officers for the Panel of Conduct Reviewers are listed below.

Recommended Suppliers for Panel of Conduct Reviewers
1. A Human Agency Pty Ltd
2. BAL Lawyers
3. Centium Pty Ltd
4. KPMG
5. Nemesis Consultancy Group Pty Ltd
6. Noble Shore Pty Ltd
7. Pinnacle Integrity
8. Riskwise Consulting Pty Ltd
9. Scout Investigations
10. Sparke Helmore Lawyers
11. Weir Consulting (National)
12. Workdynamic Australia

Financial Implications

While there is no direct expenditure associated with this report, a budget of \$100,000 over four years has been allocated for external Conduct Review requirements, if needed.

Risk Implications

There are no risks associated with this report.

Conclusion

The Expression of Interest process was conducted in line with requirements under the Procedures for the Administration of the Code of Conduct and has resulted in a suitable range of applicants for Council to select a Panel of Conduct Reviewers.

This report seeks Council endorsement of the most advantageous applicants to be placed on Council's Conduct Review Panel for a period of 4 years. If Council endorses the proposed applicants, the applicants will be informed promptly and the Panel will be in place from September 2025 – September 2029.

RECOMMENDATION

That:

1. The information contained in the report on Establishment of a Panel of Conduct Reviewers be received.
2. Council establish a panel of Conduct Reviewers, as per the Procedures for the Administration of the Code of Conduct.
3. The following applicants be placed on Council's Conduct Review Panel for a period up to 4 years:
 - A Human Agency Pty Ltd
 - BAL Lawyers
 - Centium Pty Ltd
 - KPMG
 - Nemesis Consultancy Group Pty Ltd
 - Noble Shore Pty Ltd
 - Pinnacle Integrity
 - Riskwise Consulting Pty Ltd
 - Scout Investigations
 - Sparke Helmore Lawyers
 - Weir Consulting (National)
 - Workdynamic Australia.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

7 Audit Risk & Improvement Committee

Compiled by: Vinay Apte, Risk and Audit Officer
Anubhav Raizada, Senior Internal Auditor

Authorised by: Andrew Avery, Head of Legal Services
Jane Howard, Acting Director Corporate Services

Outcome	<i>We have open and collaborative leadership</i>
Strategy	<i>Corporate Enablers</i>
Principal Activity	<i>Undertake the audit program as agreed with the Audit Risk and Improvement Committee (ARIC) to ensure Council's operations are ethical and efficient</i>

Executive Summary

The report provides information on the meetings of Council's Audit, Risk and Improvement Committee (ARIC) meeting held on 11 June 2025. The minutes of the ARIC meeting held on 11 June 2025 are shown in Appendix 1, and the key take-outs of the meetings are outlined.

Background

Council has established an Audit, Risk and Improvement Committee (ARIC) in compliance with section 428A of the *Local Government Act 1993*, the *Local Government (General) Regulation 2021* and the Office of Local Government's (OLG) Guidelines for risk management and internal audit for local government in NSW. The ARIC must keep under review, the following aspects of Council's operations:

- a) compliance
- b) risk management
- c) fraud control
- d) financial management
- e) governance
- f) implementation of the strategic plan, delivery program and strategies
- g) service reviews
- h) collection of performance measurement data by the Council, and
- i) any other matters prescribed by the regulations.

The ARIC must also provide information to the Council for the purpose of improving the Council's performance of its functions.

It meets at least four times a year and operates under a Charter, last adopted by Council resolution on 10 February 2025. Minutes are reported to the Council on a quarterly basis.

Amendments were made to the Local Government (General Regulation) 2021 to require all councils and joint organisations to have a risk management framework and an internal audit function and to prescribe membership requirements for audit risk and improvement committees. Councils and joint organisations started complying with these requirements from 1 July 2024 and, commencing with the 2024/25 annual report, to attest to their compliance with the requirements in their annual reports.

The Office of Local Government has issued comprehensive Guidelines for Risk Management and Internal Audit for Local Government in NSW to assist councils and joint organisations to implement these requirements.

The model terms of reference for audit risk and improvement committees, an example risk management policy and the model internal audit charter have been provided for use by councils and joint organisations to assist them in implementing the Guidelines.

Current Situation

The ARIC met on 11 June 2025. This was the second meeting of the ARIC for the 2025 calendar year. The draft minutes of the meeting held on 12 March 2024, as provided to Council on 26 May 2025 were adopted.

A copy of the Minutes for the meeting of 11 June 2025 are provided in Appendix 1.

To assist Councillors, the Legal Services department, acting as the ARIC secretariat, has identified the following key take-outs from the meetings:

Key take-outs from the ARIC meeting on 11 June 2025

1. Long-Term Financial Plan

The Chief Financial Officer introduced the Long-Term Financial Plan update, noting that service level reviews are currently being conducted as well as developing various other financial strategies to ensure Council continues to meet the challenge of ageing assets and the increasing demands for quality facilities and services. A deficit of \$3.1 million is expected in the next financial year, and this highlights the Council's ongoing financial challenge. ARIC commented that during the service level reviews, it was crucial to review not only the inputs and processes but also the outputs and outcomes in terms of community expectations. The Committee further emphasised the importance of simplifying financial documents to enhance transparency and improve community understanding.

2. Financial Statements and Asset Valuation

The Audit Office of NSW provided an update on the Interim Management Letter review, with a key focus on asset valuation and compliance with AASB 13 requirements for fair value assessments. The Operational Finance Manager confirmed that valuations of assets were being conducted smoothly, with emphasis on high-value areas, and that timelines for providing valuation details and position papers would be met. The ARIC enquired whether significant changes in asset values were anticipated, and it was advised that ongoing digitisation of asset data is expected to enhance accuracy, potentially increasing reported asset values. The impairment assessment process for assets has been initiated and will be completed by the end of June 2025.

3. Strategic Financial Governance and Reserves

The ARIC questioned whether Penrith City Council had established specific internal metrics or performance indicators to assess progress towards its strategic goals. The Operational Finance Manager advised that key financial ratios are reported quarterly to management, including the debt recovery ratio. The Director – Corporate Services added that the resourcing strategy includes a long-term asset management plan setting targets for levels of service and condition audits. ARIC also reviewed the Financial Reserves Policy and commented that the creation or closure of reserves should be approved by the

Council's Ordinary Meeting rather than solely by the Chief Financial Officer. It was also recommended that all internal restrictions for reserves should be listed in the policy for transparency. The Director – Corporate Services assured that the necessary changes would be implemented.

4. Employee Engagement and Workplace Safety

An update on the Employee Engagement survey (with a score of 65%) was provided, reflecting ongoing efforts to improve staff satisfaction. A crucial safe work issue was identified relating to processed stone – use of silica, where products containing 1% silica exceeded acceptable levels during saw cutting for concreting. Notification was provided to SafeWork, and staff were supported with health monitoring, medical tests, and scans. The Director – Corporate Services informed that priority is being given to work health and safety, usage of chemicals, and other important safety areas. ARIC inquired whether psychological issues arising from the incidents were considered, and it was confirmed that staff welfare was a high focus, with access to the Employee Assistance Program, toolbox talks, and fortnightly crisis management meetings.

5. Governance, Risk, and Strategic Oversight

ARIC raised concerns about cyber security training compliance, noting that only 5 out of 15 Councillors had completed the mandatory training, and recommended stronger measures for compliance. Additionally, ARIC commended the Council on the reduction in average complaint resolution times and appreciated the comprehensive Internal Audit Strategy, recommending inclusion of the Community Strategic Plan and sharing common issues across the organisation to strengthen governance.

Financial Implications

There are no financial implications for Council associated with this report.

Risk Implications

The Audit, Risk, and Improvement Committee (ARIC) plays a pivotal role in ensuring the effective governance and management of risk within Council. The ARIC delves into critical risk implications identified through comprehensive assessments and evaluations conducted by Council officers. These implications encompass a wide spectrum of potential risks, ranging from financial and operational to reputational and regulatory, all of which pose significant challenges to the council's objectives and obligations.

Addressing the identified risk implications demands a concerted effort from management, ARIC, and relevant stakeholders. By proactively identifying, assessing, and mitigating risks, Council enhances its resilience, fosters sustainable growth, and fulfills its mandate of serving the community effectively and responsibly. The ARIC remains committed to providing oversight, guidance, and recommendations to navigate the complex risk landscape and safeguard Council's interests and objectives.

Conclusion

The draft Minutes of the Audit, Risk and Improvement Committee meetings held on 11 June 2025 are provided in Appendix 1.

RECOMMENDATION

That the information contained in the report on Audit Risk & Improvement Committee be received.

ATTACHMENTS/APPENDICES

1. Final minutes - Audit Risk and Improvement Committee Meeting_11_June_2025	9 Pages	Appendix
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**MINUTES
OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING OF PENRITH CITY
COUNCIL HELD IN THE PASSADENA ROOM, PENRITH
ON WEDNESDAY 11 JUNE 2025 AT 8:30 AM**

PRESENT

Independent Members

Elizabeth Gavey (Chair), Sheridan Dudley and Carl Millington.

Council Officers

Matthew Bullivant (Director – Corporate Services), Adam Wilkinson (Director - Asset Services), Neil Farquharson (Chief Financial Officer), Cheryl Freeburn (Operational Finance Manager - Teams), Ben Collins (Strategic Finance Manager), Stephannie Mikhail (Head of Business Excellence), Michael Hughes (Enterprise PMO Lead), David McIlhatton (Business Systems Manager), Tim Power (Head of Legal Services), Anthony Robinson (Corporate Assurance Lead), Anu Raizada (Senior Internal Auditor) and Vinay Apte (Risk and Audit Officer).

External Service Provider Representatives

Reiky Jiang (Director Financial Audit, Audit Office of NSW – Teams) and Robert Hayek (Audit Leader - Financial Audit - Teams).

INTRODUCTION

The Chair acknowledged the Indigenous land that Council stands upon, that others online were standing upon, and paid respect to all elders, past present and emerging.

The Chair welcomed Committee members and attendees to the meeting.

APOLOGIES

Andrew Moore (General Manager), Deputy Mayor Councillor Ross Fowler OAM, Stephen Britten (Director - Business Operations) and Jade Bradbury (Head of Children's Services).

CONFIRMATION OF MINUTES - Audit, Risk and Improvement Committee Meeting – 12 March 2025

That the minutes of the Audit, Risk and Improvement Committee Meeting of 12 March 2025 be confirmed.

DECLARATIONS OF INTEREST

Sheridan Dudley advised of the conclusion of her tenure as the Chair and independent member of the Audit Risk and Improvement Committee (ARIC) at the City of Ryde.

DELIVERY PROGRAM REPORTS

OUTCOME 5 - WE HAVE OPEN AND COLLABORATIVE LEADERSHIP

This is Page No 1 of the Unconfirmed Minutes of the Audit, Risk and Improvement Committee Meeting of Penrith City Council held in the Pasadena Room on Wednesday 11 June 2025

Audit, Risk and Improvement Committee Meeting Wednesday 11 June 2025

General Manager's Update (Director - Corporate Services)

- a. An update on the Employee Engagement survey was provided.
- b. The NSW State Government has introduced a Transport-Oriented Development (TOD) planning initiative, with St Marys identified as a participating location under master plan for the airport. In response, Penrith City Council requested a four-month extension to undertake advanced internal planning. Following a period of community engagement, Council submitted its planning documentation to the Department of Planning in April 2025.
- c. A safety issue has been identified relating to the use of processed stone, otherwise known as crystalline silica. It was identified that work tasks involving products containing silica, especially concrete saw cutting, exceeded the acceptable safety standards. Notification was provided to SafeWork NSW shortly after discovery. Affected staff are being supported through health monitoring. Legal advice has been received regarding communications with previously employed staff.

ARIC inquired whether consideration was also given to the psychological issues arising out of the incidents for staff. The Director – Corporate Services confirmed staff welfare is a high priority, and that staff have access to the Employee Assistance Programme and individual needs are taken into consideration. Initiatives like toolbox talks and fortnightly crisis management meetings are being undertaken.

- d. There was a public exhibition of the Council's Community Strategic Plan.
- e. An external consultant is engaged to determine Council's appetite to apply for a Special Rate Variation. The ARIC noted that the external consultation and service level review aligned with iPART's expectations.

Action

- 1) The WHS report which will be a part of the People and Culture update at the September 2025 ARIC to provide insights on gaps in manufactured stone work processes and actions being taken to mitigate the control gaps.

5. Update on the Financial Statements 2024-25

The Director, Financial Audit (Audit Office of NSW) advised the ARIC on the Interim Management Letter currently being finalised and provided an update on the issues identified. One of the key focus areas in this year's engagement is asset valuation, with particular emphasis on ensuring compliance with AASB 13 requirements for fair value assessments.

The Operational Finance Manager introduced the Financial Statements update report, and explained the valuations of assets is being conducted smoothly, the focus being crucial, high value areas.

The ARIC enquired if valuation details and position papers as per the new standards would be made available to the Audit Office by the end of the financial year. The Operational Finance Manager confirmed that the timelines would be met.

The ARIC enquired with the Director - Asset Services whether significant changes in asset values and associated costs were anticipated in the financial statements. It was advised that the ongoing digitisation of asset data is expected to enhance the accuracy of asset valuations, which may result in an increase in reported asset values.

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The ARIC also enquired whether Penrith City Council had established specific internal metrics or performance indicators to assess progress towards its strategic goals. The Operational Finance Manager advised that key financial ratios are quarterly reported to management including the debt recovery ratio. The Director - Asset Services added that the resourcing strategy of Penrith City Council includes the long-term asset management plan which sets targets for levels of service, conditions audit, etc to assess the conditions of the assets.

The ARIC questioned if the impairment assessment process for the assets had been initiated. The Operational Finance Manager confirmed the initiation and completion by end of June 2025.

The Director - Asset Services, Operational Finance Manager and Audit Leader - Financial Audit, Audit Office of NSW left the meeting at 9:25am.

RECOMMENDATION

ARIC10 resolved that the information contained in the report on **Update on the Financial Statements 2024-25** be received.

3. Long Term Financial Plan Update

The Chief Financial Officer introduced the report.

Service level reviews are currently being conducted to determine the necessity of a special rate variation. Securing consensus among Councillors regarding the consideration of a potential Special Rate Variation has been challenging. A deficit of \$3.1 million is expected in the next financial year and the same will be included in the budget to provide the councillors with the true picture of the state of Council's financial condition.

The ARIC opined that during the service level reviews, it was crucial to review not only the inputs and processes but also the outputs and outcomes in terms of community expectations.

The ARIC also sought clarification regarding the complexity and length of the Long-Term Financial Plan document, and how the Council intended to effectively communicate its contents to Councillors and members of the community who may have limited financial expertise. The Director – Corporate Services explained financial and asset information would be provided to the Councillors and community in a simplified manner. The Chief Financial Officer added that an executive summary is included.

The ARIC questioned regarding the Consumer Price Index assumption in the Long-Term Financial Management plan for the cost of maintaining and replacing assets and whether the assumption seemed reasonable. The Strategic Finance Manager responded that a comparative analysis of assumptions was undertaken with other councils. In addition, target inflation rates published by the Reserve Bank of Australia (RBA) were considered.

The ARIC enquired whether the Council had established target financial ratios for the Long-Term Financial Plan. The Director – Corporate Services advised that this work was currently underway and that the target ratios would be finalised in due course.

The Committee suggested that simplifying financial documents would enhance transparency and improve community understanding. The Director – Corporate Services confirmed this approach from the Council whilst dealing especially with Councillors.

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The Strategic Finance Manager left the meeting at 10:00 am.

Action

- 1) The presentation for the Long-term Financial Plan to be circulated to the ARIC members for their reference.

RECOMMENDATION

ARIC11 resolved that the information contained in the report on **Long Term Financial Plan Update** be received.

2. Business Systems Transformation Program

The Head of Business Excellence, Enterprise PMO Lead and Business Systems Manager entered the meeting at 10:05 am.

The Head of Business Excellence introduced the report.

The ARIC noted that the Business Systems Transformation Program (Enterprise Resource Planning (ERP) project) was an important project with significant impact on Council and community and enquired if the associated risks had been identified. The ARIC made further enquiries regarding supplier risk and procurement risk.

The Head of Business Excellence advised the following measures were being taken:

- A risk register has been established to identify the major risks relating to the project.
- Weekly meetings are being scheduled with project managers of the vendor.
- Regular workshops are being conducted with the consultant to track the progress.
- Escalation paths are defined for any roadblocks.
- Subject matter experts assigned to the project.

The Director – Corporate Services advised that the Council had entered contracts for the core enterprise system and the payroll management system. Additionally, a permanent ERP Systems Manager has been appointed, bringing experience in the delivery and management of ERP projects.

The ARIC enquired if a benefit analysis was planned to justify the cost of \$25 million. The Head of Business Excellence informed that there were tangible benefits in terms of updated technology and operational cost reduction in terms of employee time saving as well as non-cash benefits such as greater customer satisfaction.

The Business Systems Manager left the meeting at 10:15 am.

Action

- 1) Head of Business Excellence to share the presentation on Business Systems Transformation Program to the ARIC members by email.

RECOMMENDATION

ARIC12 resolved that the information contained in the report on **Business Systems**

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Transformation Program be received.

7. Major Projects Update

The Head of Business Excellence introduced the report. Enterprise PMO Lead assisting.

The ARIC inquired whether the risk profile of major projects is shifting, with contractors increasingly seeking to transfer risk to Council. The Director – Corporate Services confirmed this trend, noting the challenge of balancing expectations with budget constraints. It was further noted that early risk assessments have contributed to improved project outcomes.

The ARIC inquired whether the Council had assessed the potential impacts that upgrading the Coreen Avenue intersection may have on adjacent intersections. Additionally, ARIC sought clarification on whether issues with Sydney Water had been resolved. In response, the Director – Corporate Services advised that although initial funding was allocated for improvements to four intersections, the funding was found to be insufficient to address all the works required. As a result, the Council undertook community consultation and subsequently revised the design to include the upgrade of two intersections initially, with the remaining two to be addressed in a future stage. This staged approach is expected to improve traffic flow along the corridor. Ongoing engagement is being conducted with community members impacted by property acquisitions.

The Director – Corporate Services, along with the Enterprise PMO Lead, further assured that the matter involving Sydney Water is not anticipated to have a material impact on the progression of the project. The Director – Corporate Services also confirmed that property acquisitions were also on schedule and would not affect project progress.

The ARIC congratulated Penrith City Council on receiving a Highly Commended Award for its Project Governance Structure in the Civic Risk Mutual Risk Management Awards. '

The Head of Business Excellence and Enterprise PMO Lead left the meeting at 10:20 am.

RECOMMENDATION

ARIC13 resolved that the information contained in the report on **Major Projects Update** be received.

4. Financial Reserves Policy

The Chief Financial Officer introduced the report.

The ARIC recommended that the policy clearly state that the creation or closure of reserves should be approved by resolution at the council ordinary meeting rather than the Chief Financial Officer. Also, all the internal restrictions for reserves should be listed in the policy.

The Director Financial Audit, Audit Office of NSW left the meeting at 10:30 am.

RECOMMENDATION

ARIC14 resolved that the information contained in the report on **Financial Reserves Policy** be received.

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Audit, Risk and Improvement Committee Meeting Wednesday 11 June 2025

1. Children's Service's Cooperative Report

The ARIC inquired whether the Children's Services Cooperative was operating in accordance with competitive principles and adhering to the requirements of competitive neutrality, and if it was providing itself a competitive advantage in terms of pricing using Council's resources. Additionally, the ARIC sought clarification on whether a comprehensive analysis had been conducted to determine the true cost of providing Children's Services to the Council.

The Committee emphasised the importance of having clear oversight of the actual cost of service delivery. It was noted that periodic service reviews could support a better understanding of potential avenues for cost recovery.

In response, the Director – Corporate Services took the questions and observations on notice (noting the apologies given by senior Children's Services management). He acknowledged the importance of informed decision-making and noted that councillors are actively involved in the process. He further advised that ongoing efforts are being made to build councillors' capacity to support sound and strategic decision-making.

The ARIC further emphasised the need for better clarity of the role of Children's Services Cooperative regarding decision making around initiatives funded by Council. All questions and comments were taken on notice.

Action

1. Responses to the questions and comments taken on notice to be provided to the ARIC.

RECOMMENDATION

ARIC15 resolved that the information contained in the report on **Children's Service's Cooperative Report** be received.

6. Action Items Report

The ARIC Chair introduced the report.

The ARIC questioned the status of cyber security training to the councillors.

The Director - Corporate Services reported that, as of the date of the ARIC meeting, only 5 out of 15 councillors had completed the mandatory cyber security training. Additionally, a video-based method for the Cyber Security Learning was issued to the councillors on 26 May, providing alternative options to facilitate the completion of the training.

The ARIC commended the Council on the reduction in average complaint resolution times.

RECOMMENDATION

ARIC16 resolved that the information contained in the report on **Action Items Report** be received.

8. Internal Audit Status

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The Corporate Assurance Lead introduced the report.

The ARIC appreciated the Volunteers Management report provided by the Internal Audit team and noted that it is comprehensive. The Director – Corporate Services added that an action item was included for the Executive Leadership Team to oversight implementation of a centralised volunteer process.

Regarding the Public Health Programs audit, the ARIC sought clarification regarding the disagreed recommendation outlined in the report. The Senior Internal Auditor explained that the disagreement related to the feasibility of establishing a fixed period for complaint resolution, given the varying nature of complaints and existing staffing constraints. It was noted that a mitigating control is in place through ongoing management oversight of the complaints management process.

The ARIC noted the Internal Audit function covered an ambitious audit program. The Senior Internal Auditor advised there is a high probability of achieving the 90% program completion KPI for 2024-25.

The Corporate Assurance Lead discussed the 3-year Strategic Internal Audit Program, which was developed using relevant inputs and consultation with the Executive Leadership Team.

The Internal Audit Strategy was discussed and the ARIC recommended inclusion of the Community Strategic Plan in the strategy and sharing within the organisation common issues arising out of internal audits like out of date policies, missing documents, etc.

Action

- 1) Corporate Assurance Lead to consider adding a reference to the Community Strategic Plan (CSP) in the Internal Audit Strategic Objectives and sharing within the organisation the common issues arising out of internal audits across the organisation.

RECOMMENDATION

ARIC17 resolved that:

1. The information contained in the report on Internal Audit Status be received
2. The ARIC endorses the PCC Internal Audit Strategy subject to any agreed changes
3. The ARIC endorses the PCC 3 years Strategic Internal Audit Program 2025 – 2028 subject to any agreed changes

9. ICT Cyber Security Update

The report was for noting only and ARIC agreed on queries to be sent to the Chief Information Officer in writing, outside of the meeting.

RECOMMENDATION

ARIC18 resolved that the information contained in the report on **ICT Cyber Security Update** be received.

10. Procurement Compliance Update

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The report was for noting only and ARIC agreed on queries to be sent to the Procurement and Strategic Supply Manager in writing, outside of the meeting.

The ARIC questioned why only 50% of PO's were compliant. The committee recommended data analytics to identify specific staff who needed training.

RECOMMENDATION

ARIC19 resolved that the information contained in the report on **Procurement Compliance Update** be received.

11. Investigation and Corrective Actions – 2024 Fraud Matter

The report was for noting only and ARIC was informed with the status of the matter.

RECOMMENDATION

ARIC20 resolved that the information contained in the report on **Investigation and Corrective Actions – 2024 Fraud Matter** be received.

12. Governance Report

The report was for noting only.

The ARIC recommended adding a column relating to resolved breaches in the code of conduct matters identifying if breach was substantiated or not in future governance reports.

The ARIC expressed satisfaction over improvement in outstanding overdue policy numbers. The Director – Corporate Services informed that consistent effort was being made to complete the overdue policies.

Action

- 1) Governance team to add a column relating to resolved breaches in the code of conduct matters identifying if the breach is substantiated or not in future governance reports.

RECOMMENDATION

ARIC21 resolved that the information contained in the report on **Governance Report** be received.

13. Risk and Compliance Status

The report was for noting only.

ARIC appreciated the structured approach the team was following in terms of risk management.

The ARIC recommended further breakdown of the major risks such as major projects. Corporate Assurance Lead explained that the interface with the Enterprise Project

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Audit, Risk and Improvement Committee Meeting Wednesday 11 June 2025

Management Office needs to be formalised and implemented to enable more detailed risk reporting on major projects.

RECOMMENDATION

ARIC22 resolved that the information contained in the report on **Risk and Compliance Status** be received.

GENERAL BUSINESS

The next ARIC meeting is scheduled for 3 September 2025.

There being no further business the Chairperson declared the meeting closed the time being 11:52am.

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8 Election of Deputy Mayor

Compiled by: Avanthi Fernando, Governance Officer
Stuart Benzie, Governance Manager

Authorised by: Adam Beggs, Head of Governance

Outcome	<i>We have open and collaborative leadership</i>
Strategy	<i>Corporate Enablers</i>
Principal Activity	<i>Manage Council's meeting calendar, meeting process and business papers to ensure open and fair decision making</i>

Executive Summary

This report explains the procedure for the election of a Deputy Mayor by councillors. The report recommends that Council consider the election of a deputy mayor and determine the method for the election and term of office of the deputy mayor.

Background

Section 231 of the *Local Government Act 1993 (NSW) (the Act)* makes the following provision for the election of a deputy mayor:

- (1) Councillors may elect a person from among their number to be deputy mayor.
- (2) The person may be elected for the mayoral term or a shorter term.
- (3) A deputy mayor may exercise any function of a mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.
- (4) Councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.

The election of a deputy mayor is not required under the Act but is for each Council to determine. This report assumes the continuation of Council's tradition and practice of electing a deputy mayor.

Nominations for Deputy Mayor

The *Local Government (General) Regulation 2005* (the Regulation) provides for a councillor to be nominated without notice for election as deputy mayor. However, the nomination must be in writing by two or more councillors, one of whom can be the nominee. The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The nomination is to be delivered or sent to the Returning Officer (General Manager). The nomination form can be delivered or sent to the Returning Officer up until the time of the election being conducted.

Nomination forms will have been sent to all councillors prior to this meeting. Nomination forms will also be available at the meeting if required.

The Returning Officer is to announce the names of the nominees at the Council meeting at which the election is to be held.

Term of Office of Deputy Mayor

Where a Council elects a Deputy Mayor, the term can be for the Mayoral term (two years) or a shorter term at the Council's discretion. The Council at its Ordinary meeting held on 9 October 2024 resolved to appoint a Deputy Mayor for one year.

Method of Voting

The methods of voting available for the election of a deputy mayor are the same as for the election of a mayor. Council could resolve to use a different method of voting for a deputy mayor; however it has been Council's practice to use the same method of voting for the election of both a mayor and deputy mayor that being Open Voting method. The details of all available methods of election are provided below:

Ballot

If only one Councillor is nominated for the Office of Deputy Mayor, that Councillor is elected. If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by open voting, ordinary ballot or preferential ballot. The election is to be held at the Council meeting at which the Council resolves on the method of voting.

In the Regulation the term "open voting" means voting by a show of hands or similar means, and "ballot" has its normal meaning of secret ballot. In other words, the ordinary and preferential ballots are to be secret ballots.

Ordinary Ballot or Open Voting

If the election proceeds by ordinary ballot, the Returning Officer is to decide the manner in which votes are to be marked on the ballot-papers. The Formality of a ballot-paper under this Part is to be determined in accordance with clause 345 of the Regulation.

Count in the case of 2 candidates

1. If there are only 2 candidates, the candidate with the higher number of votes is elected.
2. If there are only 2 candidates and they are tied, the one elected is to be chosen by lot (more information is provided on this process later in the report).

Count in the case of there being 3 or more candidates

1. If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
2. If 3 or more candidates still remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
3. If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.
4. A further vote is to be taken of the 2 remaining candidates.
5. The candidate with the higher number of votes is elected.
6. If at any stage during a count under subclause (1) or (2), two or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Preferential Ballot

1. The ballot-papers are to contain the names of all the candidates. The Councillors are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all the candidates.
2. The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 of the Regulation.
3. If a candidate has an absolute majority of first preference votes, that candidate is elected.
4. If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.
5. A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. At that stage the Councillor is elected as Mayor.
6. An "absolute majority", in relation to votes, means a number which is more than one-half of the number of unexhausted formal ballot-papers.

Tied Candidates

1. If, on any count of votes, there are 2 candidates in, or remaining in the election and the numbers of votes cast for the 2 candidates are equal - the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
2. If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes - the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Choosing by Lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the Returning Officer. The slips are folded by the Returning Officer so as to prevent the names being seen. The slips are mixed and one is drawn at random by the Returning Officer and the candidate whose name is on the drawn slip is chosen.

Financial Implications

There are no financial implications for Council associated with this report.

Risk Implications

There are no risk implications for Council associated with this report.

Conclusion

It is suggested that the Council consider the election of a deputy mayor at tonight's meeting.

RECOMMENDATION

That:

1. The information contained in the report on Election of Deputy Mayor be received.
2. Council consider the election of a Deputy Mayor.
3. In the event of more than one councillor being nominated, Council determine the method of election for the office of deputy mayor.
4. In accordance with Section 231 (2) of the Local Government Act 1993 (NSW), the term of office of the deputy mayor be determined.

ATTACHMENTS/APPENDICES

There are no attachments for this report

9 Summary of Investments and Banking for the period 1 August 2025 - 31 August 2025

Compiled by: James Legarse, Treasury and Operations Accountant

Authorised by: Jane Howard, Acting Director Corporate Services
Neil Farquharson, Chief Financial Officer

Outcome	<i>We have open and collaborative leadership</i>
Strategy	<i>Deliver an efficient, transparent and accountable service to the community</i>
Principal Activity	<i>Support financial sustainability through financial planning and budget management and provide accurate reporting to the community</i>

Executive Summary

This report on the Summary of Investments & Banking for August 2025 is submitted for the purpose of financial accountability and to satisfy the investment reporting requirements of the Local Government (General) Regulation 2005 (clause 212), the Local Government Act 1993 (the Act) (Section 625) and the Council's Investment Policy.

The report certifies that the Council investments comply with the forms of investment made by order of the Minister under section 625(2) of the Local Government Act 1993. The current Ministerial Order was issued under Council Circular 11-01 on 17 February 2011.

The report provides a summary of investments for the period 1 August 2025 to 31 August 2025 and a reconciliation of invested funds as at 31 August 2025.

The investment returns versus the benchmark as a percentage for August 2025 are:

- Council portfolio current month's yield 4.74%
- Council portfolio annualised yield to date 4.95%
- 90-day Bank Bill Swap Rate (Benchmark) 3.61%
- Enhanced 90-day Bank Bill Swap Rate (Benchmark – BBSW + 30bps) 3.91%
- Original Budget estimated return (2025/26 Financial Year) 4.25%

The report recommends that the information contained in the report be received.

Current Situation

A Summary of Investments is shown in Appendix 1, including Economic Commentary for August 2025, Historical Investment Performance Analysis tables and charts, a reconciliation of Invested Funds for August 2025 and various Investment Summary and Investment Portfolio analysis tables and charts.

The Reserve Bank of Australia (RBA) met on 12 August 2025, and the Board decided to decrease the Cash Rate by 25 basis points to 3.6%. This marks the third time this calendar year that the RBA has cut the cash rate – similar reductions were made in February and May 2025. The RBA Board decided it was appropriate to reduce the cash rate as the second quarter's inflation result declined to 2.1% and is at the lower end of the RBA's target of 2-3%. The RBA remains cautious as the uncertainty in the world economy remains elevated due to the forthcoming US tariffs; and the RBA wants to be poised to respond accordingly, if needed. As at the date of this report's completion and authorisation, the Cash Rate of 3.60%

reflects the most recent monetary policy decision, with the next RBA meeting scheduled for 30 September 2025.

Financial Implications

Adopting the recommendations of this report confirms Council's investment returns are favourably exceeding the Original Budget, as well as outperforming the benchmark for the month. More detailed Financial Implications are contained in Appendix 1.

Risk Implications

The Council's investments have been placed in accordance with Section 625 of the Local Government Act 1993, relevant regulations, and the Council's adopted Investment Policy. The Council's Investment Policy has objectives to preserve capital, ensure liquidity of funds to meet cash flow requirements and achieve an acceptable rate of return having reference to the Council's risk tolerance.

Conclusion

This report confirms that the Council's investments have been placed in accordance with relevant legislation/regulations, the Council's Investment Policy and highlights the Council's investment performance for August 2025. Additionally, the report assures the Council that Council's Cash Book and Bank Statements have been reconciled.

Certificate of Responsible Accounting Officer

I hereby certify the following:

1. All investments have been made in accordance with Section 625 of the Local Government Act 1993, relevant regulations, and Council's Investment Policy.
2. The Council's Cash Book and Bank Statements have been reconciled as at 31 August 2025.



Neil Farquharson

RECOMMENDATION

That:

1. The information contained in the report on Summary of Investments and Banking for the period 1 August 2025 - 31 August 2025 be received.
2. The Council's Cash Book and Bank Statements have been reconciled as at 31 August 2025.

ATTACHMENTS/APPENDICES

1. Investment Report as at 31 August 2025 6 Pages Appendix

Penrith City Council
Summary of Investments
31 August 2025

Commentary

The Reserve Bank of Australia (RBA) met on 12 August 2025, and the Board decided to decrease the Cash Rate by 25 basis points to 3.6%. This marks the third time this calendar year that the RBA has cut the cash rate – similar reductions were made in February and May 2025. The RBA Board decided it was appropriate to reduce the cash rate as the second quarter’s inflation result declined to 2.1% and is at the lower end of the RBA’s target of 2-3%. The RBA remains cautious as the uncertainty in the world economy remains elevated due to the forthcoming US tariffs; and the RBA wants to be poised to respond accordingly, if needed. As at the date of this report’s completion and authorisation, the Cash Rate of 3.60% reflects the most recent monetary policy decision, with the next RBA meeting scheduled for 30 September 2025.

It is to be noted, as illustrated in Graph 1 of this report, both Council’s benchmarks of BBSW monthly return and Enhanced BBSW have been surpassed in August 2025, showing the impact of the continued improvements in interest rates being invested. To ensure consistency and accuracy in calculating the Council Investment Portfolio’s month-end return, the monthly rate of return for TCorp’s Long-term Growth Fund has been revised to align with the fund’s 1-year return, as reported in TCorp’s monthly Performance Summary, rather than the monthly return. This change will smooth out fluctuations and has been backdated to the month when the Council initially invested in the Long-term Growth Fund (March 2025). As a result of this update, the Council’s Monthly Net Return (Annualised) has shown a significantly wider deviation from the benchmark figures. The Council remains proactive in securing the best interest rates on offer at the time the funds are invested.

Australia’s 10-year government bond yield rose to 4.42%, hitting a one-and-a-half-month high as traders reacted to stronger-than-expected GDP figures. Borrowing rates for both businesses and households is easing, consistent with the RBA cash rate and Bank Bill Swap Rate. The Australian dollar is at the low end of its narrow range of recent times.

The inflation rate at the second quarter of 2025 (April-June 2025), being the most recent quarterly result, dropped to 2.1%, 3 basis points lower than the previous quarter, in both headline and underlying terms. The July 2025 unemployment rate increased to 4.2%, 1 basis points lower than the previous month. The August 2025 unemployment rate has not been released upon completion of this report.

The investment returns versus the benchmark and annual budget as a percentage for August 2025 are:

Council portfolio current month’s yield	4.74%
Council portfolio annualised yield to date	4.95%
90-day Bank Bill Swap Rate (Benchmark)	3.61%
Enhanced 90-day Bank Bill Swap Rate (Benchmark – BBSW + 30bps)	3.91%
Original budget estimated return (2025/26 Financial Year)	4.25%

Penrith City Council
 Historical Investment Performance

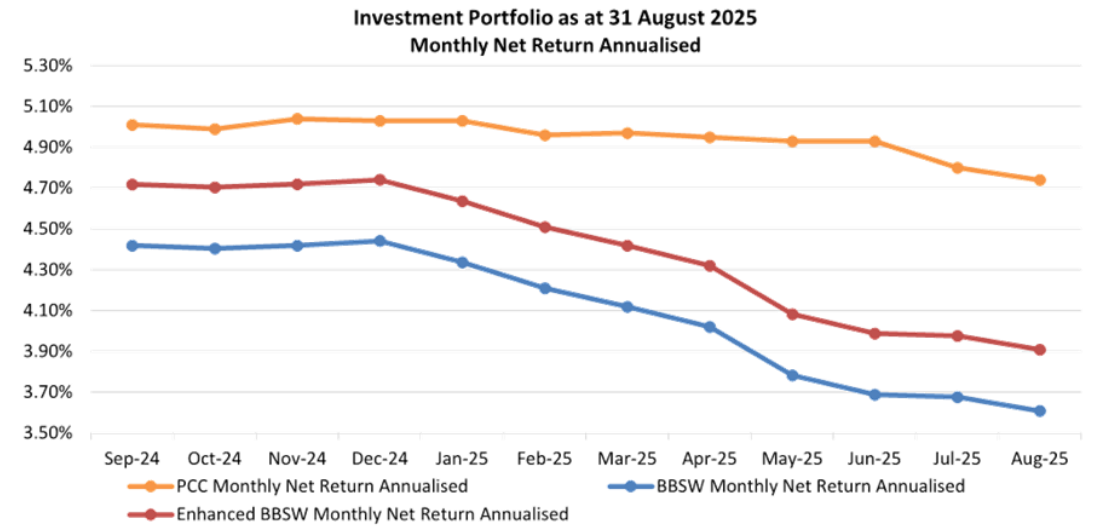
Table 1

	Actual Portfolio Monthly Return	Benchmark (BBSW)	Enhanced Benchmark (BBSW+30bps)
Current Portfolio Yield (including FRNs)	4.74%	3.61%	3.91%
Past 12 Month Portfolio Performance	4.95%	4.09%	4.33%
Portfolio Return for the Period	0.40%	0.30%	0.33%

Portfolio Yield (Actual Versus Benchmark)

The annual weighted average income return on investments to 31 August 2025, was 4.95%. This graph tracks performance over time and shows that the yield has ranged between a low of 4.74% and a high of 5.04% over the last 12 months. The reportable month's result has surpassed the BBSW monthly return benchmark.

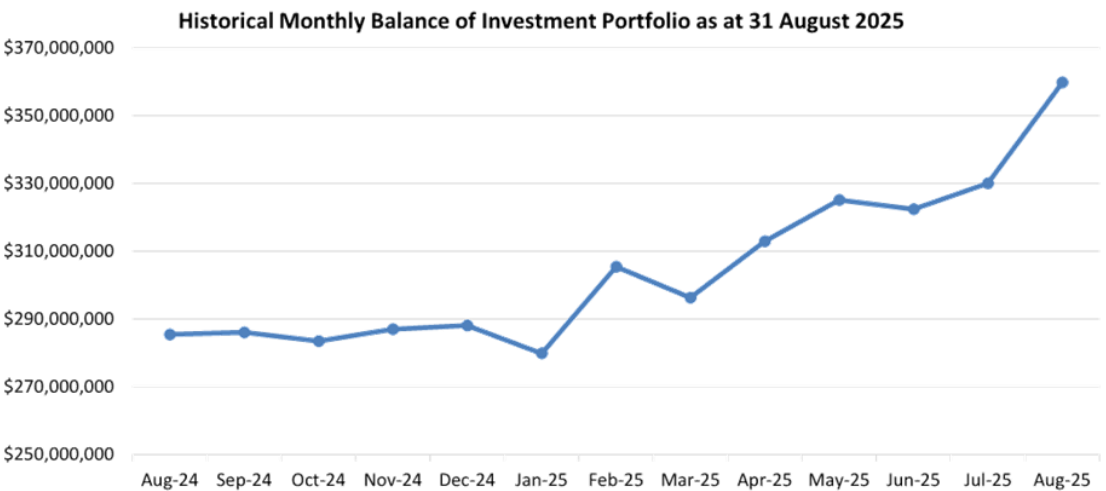
Graph 1



Annual Portfolio (Actual)

The graph below illustrates the annual trend of the Council's monthly Investment Portfolio balances.

Graph 1.1



Penrith City Council

Investment Summary by Asset Group and Monthly Movement

Table 1.1

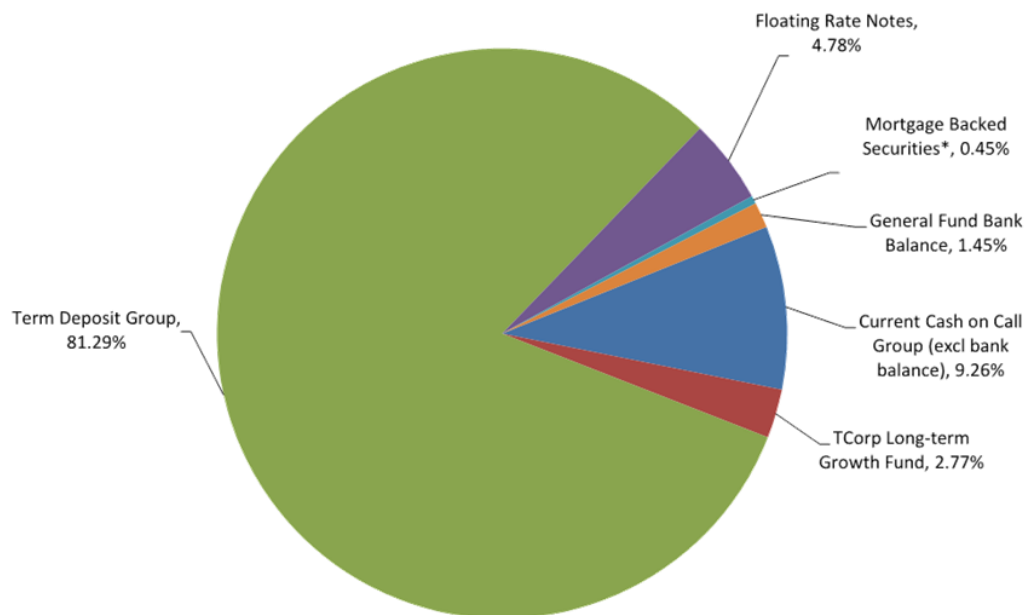
Asset Group	Closing Value (Face Value) 31 July 2025		Closing Value (Face Value) 31 August 2025	
	\$	%	\$	%
Current Cash on Call Group (excl General Fund balance)	30,180,552	9.14%	33,315,670	9.26%
TCorp Long-term Growth Fund	7,380,169	2.24%	9,979,622	2.77%
Term Deposit Group	270,500,000	81.92%	292,500,000	81.29%
Floating Rate Notes	17,200,000	5.21%	17,200,000	4.78%
Mortgage Backed Securities*	1,629,095	0.49%	1,628,550	0.45%
Sub-Total	326,889,816		354,623,842	
General Fund Bank Balance	3,293,438	1.00%	5,204,172	1.45%
Total	330,183,254	100%	359,828,014	100%

*MBS Purchased in 2006/2007 prior to the current Ministerial Investment Order. This product is being 'Grandfathered' – i.e., the Council will continue to actively manage these investments within the portfolio. However, the Council is not permitted to place further funds in this bank, due to its credit rating.

August 2025 Investments % Allocation by Asset Groups

The graph below illustrates the dissection of the Council's Portfolio per investment products or categories.

Graph 1.2



Penrith City Council

Reconciliation of Invested Funds and Monthly Movement

Table 1.2

	Period Ending 31 July 2025 \$	Period Ending 31 August 2025 \$
Represented by:		
Externally Restricted Assets		
Section 7.11 Developer Contributions	108,666,176	115,287,312
Restricted Contributions for Works	6,135,491	5,960,674
Unexpended Grants*	44,359,590	44,977,835
Unexpended Loan Funds	13,619,778	13,566,473
Other Externally Restricted	14,156,264	13,643,762
Sub-Total	186,937,299	193,436,056
Internally Restricted Assets - Funding of Operations		
Internal Reserves	106,233,332	112,115,593
Security Bonds and Deposits	25,059,248	25,391,025
Sub-Total	131,292,580	137,506,618
Restricted Assets Utilised in Operations		
Unrestricted Invested Funds	11,953,375	28,885,340
Total Cash and Investments	330,183,254	359,828,014

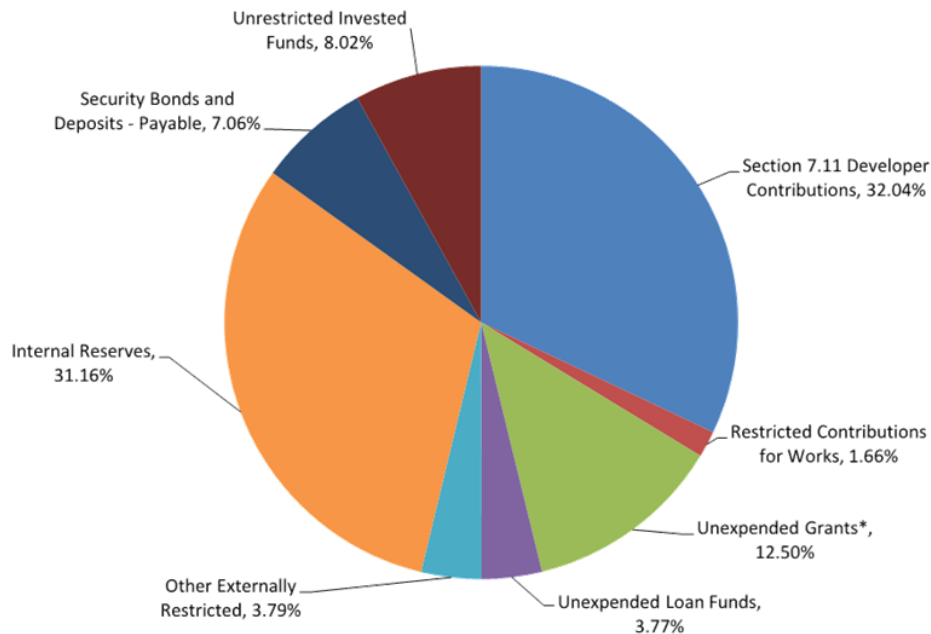
*Balance may be in deficit when funds are spent in advance of grant payment date to the Council.

NOTE: The above figures have been prepared under cash basis accounting.

August 2025 Investments % Allocation by Cash Reserve Type

This graph demonstrates the allocation of the Council's cash reserves.

Graph 1.3



Penrith City Council
Investment Summary
(Graphed to reflect fund ratings as % of portfolio)

Table 1.3

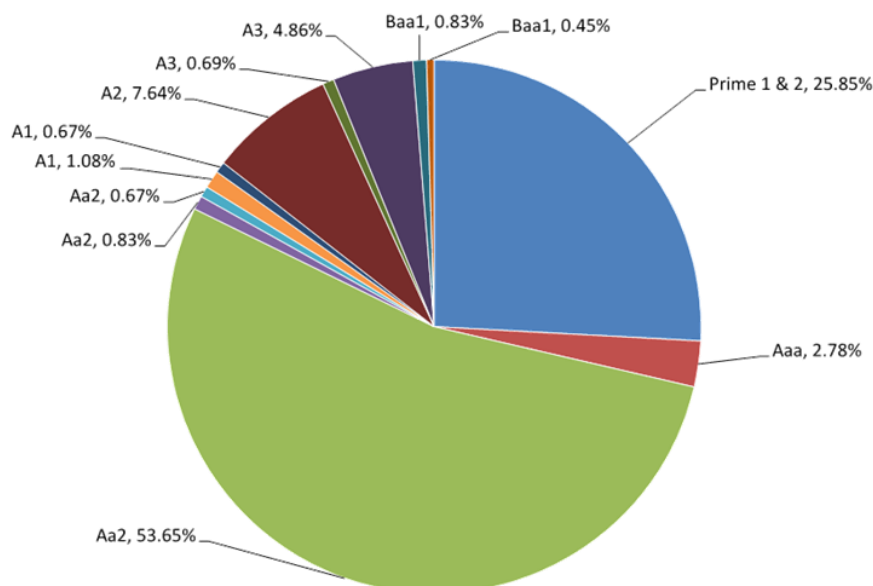
31 August 2025				
Credit Rating (per Moody's)	Bank/Financial Institution -	Utilised \$	Portfolio %	Policy Maximum %
Short Term				
Prime 1	CBA, NAB & Westpac	65,519,842	18.21%	100% (40% per institution)
Prime 2	AMP Bank, BOQ & ING Bank	27,500,000	7.64%	5% (10% per institution)
Prime 1 & 2		93,019,842	25.85%	
Long Term				
Aaa	TCorp Long-term Growth Fund	9,979,622	2.78%	100% (40% per institution)
Aa2	Term Deposit (CBA, WBC & NAB)	193,000,000	53.65%	100% (40% per institution)
Aa2	Floating Rate Note (WBC)	3,000,000	0.83%	100% (40% per institution)
Aa2	Floating Rate Note (NAB)	2,400,000	0.67%	100% (40% per institution)
A1	Floating Rate Note (Suncorp)	3,900,000	1.08%	40% (25% per institution)
A1	Floating Rate Note (Macquarie Bank)	2,400,000	0.67%	40% (25% per institution)
A2	Term Deposit (Rabobank Australia Ltd)	27,500,000	7.64%	40% (20% per institution)
A3	Floating Rate Note (ING Bank)	2,500,000	0.69%	20% (10% per institution)
A3	Term Deposit (ING Bank)	17,500,000	4.86%	20% (10% per institution)
Baa1	Floating Rate Note (Bank of Queensland)	3,000,000	0.83%	Grandfathered
Baa1	Mortgage Backed Securities (Barclays Capital)*	1,628,550	0.45%	Grandfathered
Sub-Total		266,808,172	74.15%	
Total Portfolio		359,828,014	100.00%	

*Investments placed prior to current Ministerial Order and/or financial institution's change in credit rating by Moody's. The product(s) is/are being 'Grandfathered' – i.e., the Council will continue to actively manage these investments within the portfolio. However, the Council is not permitted to place further funds in the bank(s), due to its/their credit rating.

August 2025 Investments % Allocation by Moody's Fund Rating

Reflects Moody's fund ratings as percentage (%) of the portfolio, to show compliance with the Council's Investment Policy objectives of minimising risk.

Graph 1.4



Penrith City Council
Diversification of Portfolio
(Graphed to reflect fund ratings as % of portfolio)

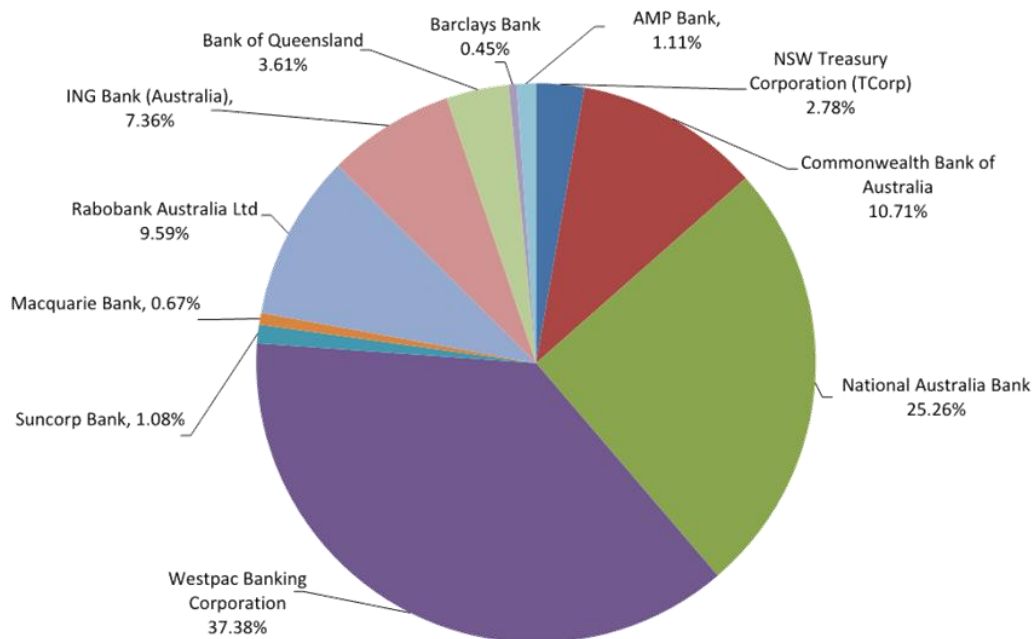
Table 1.4

Dealing Bank	Short Term	Long Term	31 August 2025	
			Investment (\$)	Allocation (%)
NSW Treasury Corporation (TCorp)	Prime 1	Aaa	9,979,622	2.78%
Commonwealth Bank of Australia	Prime 1	Aa3	38,519,842	10.71%
National Australia Bank	Prime 1	Aa3	90,900,000	25.26%
Westpac Banking Corporation	Prime 1	Aa3	134,500,000	37.38%
Suncorp Bank	Prime 1	A1	3,900,000	1.08%
Macquarie Bank	Prime 1	A1	2,400,000	0.67%
Rabobank Australia Ltd	Prime 2	A2	34,500,000	9.59%
ING Bank (Australia)	Prime 2	A3	26,500,000	7.36%
Bank of Queensland	Prime 2	Baa1	13,000,000	3.61%
Barclays Bank	Prime 2	Baa1	1,628,550	0.45%
AMP Bank	Prime 2	Baa2	4,000,000	1.11%
Total Investment			359,828,014	100.00%

August 2025 Investment % Allocation by Financial Institutions (per Moody's Credit Ratings)

Reflects the spread of investments amongst various Financial Institutions to show portfolio diversification in accordance with the Council's Policy of risk aversion.

Graph 1.5



COMMITTEE OF THE WHOLE
DELIVERY PROGRAM REPORTS
CONTENTS

Pecuniary Interests

Other Interests

Monday September 22 2025

Item		Page
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2	<u>Council Property - New Lease - 5A Tindale Street, Penrith</u>	2
3	<u>Council Property - New Lease - 1-3 Coowarra Drive, St Clair</u>	2
4	<u>Dunheved Road Upgrade Project</u>	2

1 Presence of the Public

Everyone is entitled to attend a meeting of the Council and those of its Committees of which all members are Councillors, except as provided by Section 10 of the Local Government Act, 1993.

A Council, or a Committee of the Council of which all the members are Councillors, may close to the public so much of its meeting as comprises:

- (a) the discussion of any of the matters listed below; or
- (b) the receipt or discussion of any of the information so listed.

The matters and information are the following:

- (a) personnel matters concerning particular individuals;
- (b) the personal hardship of any resident or ratepayers;
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;
- (d) commercial information of a confidential nature that would, if disclosed:
 - prejudice the commercial position of the person who supplied it; or
 - confer a commercial advantage on a competitor of the Council; or
 - reveal a trade secret.
- (e) information that would, if disclosed, prejudice the maintenance of the law;
- (f) matters affecting the security of the Council, Councillors, Council staff or Council property;
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.

The grounds must specify the following:

- (a) the relevant provision of section 10A(2);
- (b) the matter that is to be discussed during the closed part of the meeting;
- (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in open meeting would be, on balance, contrary to the public interest.

Members of the public may make representations at a Council or Committee Meeting as to whether a part of a meeting should be closed to the public

The process which should be followed is:

- a motion, based on the recommendation below, is moved and seconded
- the Chairperson then asks if any member/s of the public would like to make representations as to whether a part of the meeting is closed to the public
- if a member/s of the public wish to make representations, the Chairperson invites them to speak before the Committee makes its decision on whether to close the part of the meeting or not to the public.
- if no member/s of the public wish to make representations the Chairperson can then put the motion to close the meeting to the public.

The first action is for a motion to be moved and seconded based on the recommendation below.

RECOMMENDATION

That:

Outcome 5

2 [Council Property - New Lease - 5A Tindale Street, Penrith](#)

This item has been referred to Committee of the Whole as the report refers to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

3 [Council Property - New Lease - 1-3 Coowarra Drive, St Clair](#)

This item has been referred to Committee of the Whole as the report refers to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

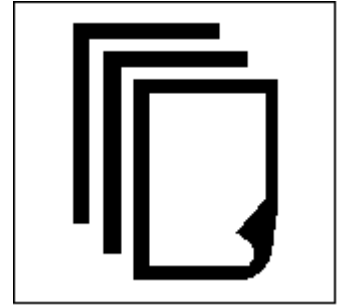
Outcome 4

4 [Dunheved Road Upgrade Project](#)

This item has been referred to Committee of the Whole as the report refers to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in open meeting would be, on balance, contrary to the public interest.



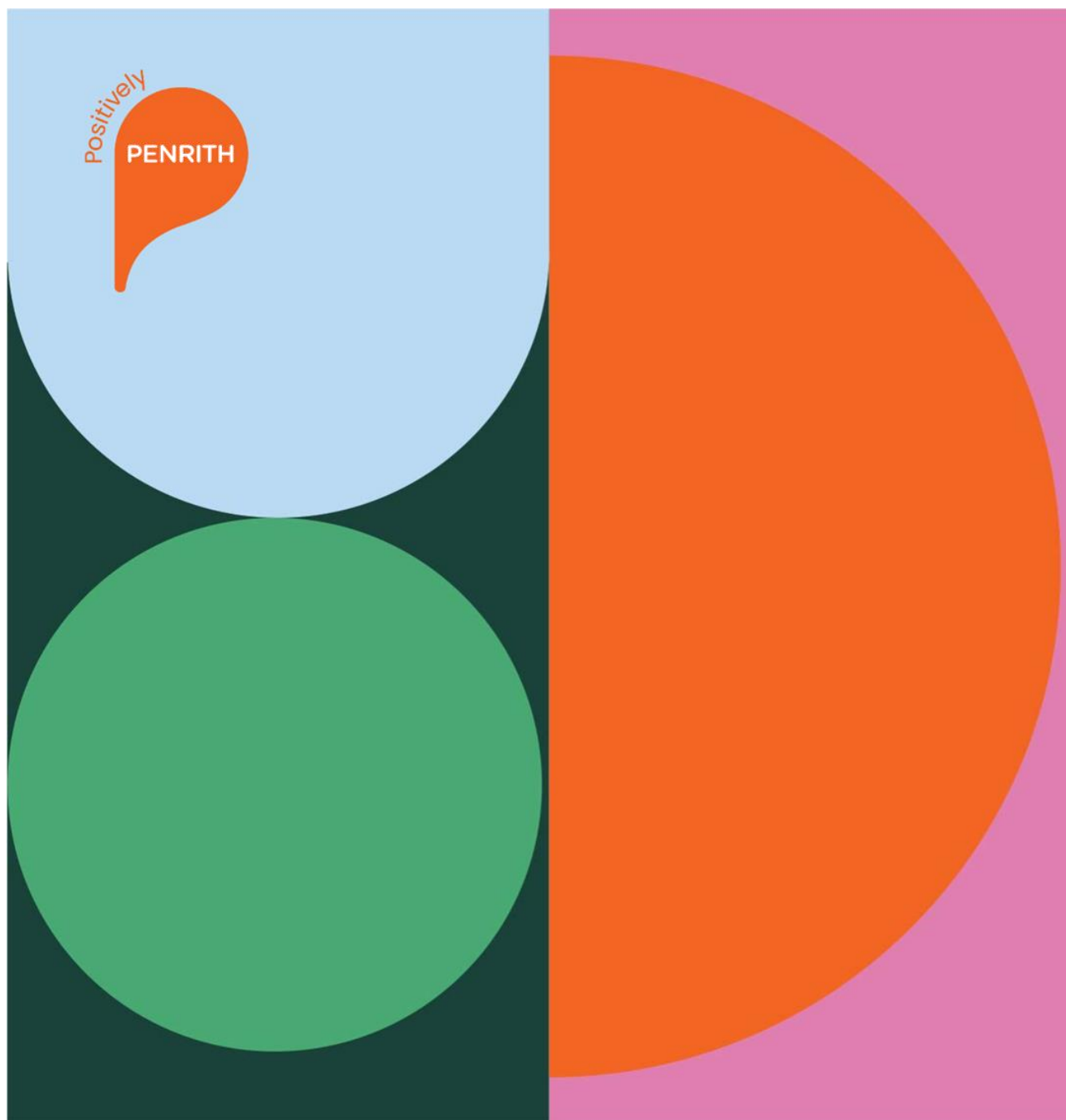
ATTACHMENTS



Date of Meeting: Monday 22 September 2025

Report Title: Results of Public Exhibition and
Public Hearing - Planning
Proposal for Reclassification of
Three Sites in St Marys

Attachments: Planning Proposal
Gateway Determination and Letter
to Council
Engagement Outcomes Report -
St Marys Reclassification



Planning Proposal

Reclassification of 3 Sites – St Marys

Executive Summary

This Planning Proposal outlines the proposed reclassification of three (3) Council-owned sites in St Marys from Community Land to Operational Land under the Penrith Local Environmental Plan 2010 (LEP). Reclassification of these sites will enable the land to develop in line with the zone objectives of the land. In turn, assisting Council to deliver on their strategic goals of urban revitalisation, economic development, and housing supply.

The three sites include:

	Address	Legal Description	Area	Existing Zoning
Site 1	12A Champness Crescent, St Marys	Lot 41 DP 35970	1315m2	R4 High Density Residential
Site 2	32A Champness Crescent, St Marys	Lot 51 DP 35970	1289m2	R4 High Density Residential
Site 3	110A Dunheved Circuit, St Marys	Lot 211 DP 31909	2909m2	E4 General Industrial

The reclassification of these sites will facilitate opportunities such as development, land disposal, or amalgamation with adjacent properties. Key intended outcomes include supporting high-density residential development at Sites 1 and 2 and enhancing industrial and employment opportunities at Site 3. These outcomes align with Council's broader strategic frameworks, including the Penrith Local Strategic Planning Statement (LSPS) and the St Marys Town Centre Master Plan.

Strategic Justification

- **Housing Supply and Affordability**

Sites 1 and 2 will contribute to housing priorities, including diverse and affordable options near public transport, services, and employment hubs.

- **Economic Growth**

Site 3 is valuable to Penrith's industrial land supply and will foster job creation, leveraging its proximity to major transport links.

Environmental and Social Considerations

Future developments will adhere to Penrith Development Control Plan (DCP) guidelines to ensure environmental risks are addressed and ensure community alignment. The selection of these sites presents minimal impact to public open space, as the sites are underutilised with better alternatives available nearby.

Community and Stakeholder Engagement

Extensive community consultation, including prior public hearings and feedback during the preparation of the St Marys Town Centre Structure Plan, indicate minimal opposition. Further, public engagement will be conducted during the Planning Proposal's exhibition period to ensure transparency and address any stakeholder concerns.

The reclassification aligns with Council's vision for sustainable urban growth, supporting Penrith's strategic housing, economic, and employment objectives.

This Planning Proposal does not seek rezoning of the subject land, or variation to any other development standards. It does not include a proposal to develop or sell the land. A separate process would need to be undertaken for this process to occur, which would include the opportunity for community input and require a formal Council resolution ahead of any formal decision in this regard.

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Part 4 – Maps 47

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Part 6 – Project Timeline 52

Appendix 1 –Deposited Plans, Certificate of Title and Government Gazette.... 53

Background

This Planning Proposal outlines the proposed reclassification of three (3) Council-owned sites in St Marys from Community Land to Operational Land under the Penrith Local Environmental Plan 2010 (LEP). Details of sites 1,2 and 3 are provided below:

Sites 1 and 2 – (12A and 32A Champness Crescent, St Marys)

These sites are zoned R4 High Density Residential and located near the St Marys Town Centre. The sites are vacant, battle axed shaped lots, accessed via narrow laneways off Champness Crescent. The sites are in close proximity to nearby transport and employment hubs and affordable housing providers. An Operational land classification enables Council to consider the future of the land in line with the existing zoning and the draft St Marys Town Centre Master Plan. This may include development, disposal or consolidation with adjoining land. The removal of the public reserve status is appropriate as the sites serve no public recreation purpose and there are currently three council owned parks within 400m.

Both sites are currently unusable and surrounded by rear gardens of neighbouring properties. The only access is through a narrow laneway between two other properties. The unusable state of these spaces is a potential for anti-social activities and illegal dumping of rubbish. It is currently a maintenance burden on council with no benefit or use for the community.

Site 3 – (110A Dunheved Circuit, St Marys)

This site is zoned E4 General Industrial and is located within an existing industrial estate. The site is near the Outer Sydney Orbital corridor. Council has entered a short-term lease for the site, and it is currently used as a site compound to support public utility works. Prior to the lease, the site was vacant and served no recreational purpose. The removal of the public reserve status is appropriate as the site is located within the Dunheved Business

Park, with another open space area located nearby on the corner of Kommer Place and Dunheved Circuit. Reclassification will enable Council to consider the future of the site in line with the existing zone.

Part 1 – Objectives and Intended Outcomes

Objective

To amend the *Penrith Local Environmental Plan 2010* (Penrith LEP 2010) to reclassify three (3) Council-owned sites from Community Land to Operational Land in St Marys.

Site 1: 12A Champness Crescent, Lot 41 DP 35970

Site 2: 32A Champness Crescent, Lot 51 DP 35970

Site 3: 110A Dunheved Circuit, Lot 211 DP 31909

Intended Outcomes

- To enable Council to consider the future use of the land in line with the existing zones
- Facilitate the delivery of future uses for the land including development, disposal, or amalgamation with adjacent properties.
- Facilitate the implementation of the Draft St Marys Town Centre Masterplan by contributing to economic growth and revitalisation.
- Remove the Public Reserve status for the sites and to remove any interest or trust relating to the land being a public reserve.

Part 2 – Intended Provisions

The intended outcome of this Planning Proposal is to amend *Schedule 4 Classification and Reclassification of Public Land of the Penrith Local Environmental Plan (2010) Part 2* as it relates to sites 1,2 and 3 to achieve the following:

Insert into Column 1 – Locality	Insert into Column 2 – Description	Insert into Column 3 – Any trusts etc. not discharged
12A Champness Crescent, St Marys	Lot 41 DP 35970	Easement to drain water over existing line of pipes affecting the part of the land shown so burdened in DP 644218, as noted on Certificate of Title Folio Identifier 41/35970
32A Champness Crescent, St Marys	Lot 51 DP 35970	Nil
110A Dunheved Circuit, St Marys	Lot 211 DP 31909	Easement for water main affecting the part of the land shown so burdened in DP 31909 as noted on Certificate of Title Folio Identifier 9043/104

In addition to the reclassification, the Planning Proposal seeks to remove the public reserve status to sites 1,2 and 3 and to remove any interests or trusts relating to the land being a public reserve.

The Planning Proposal does not include any change to the existing zones or development standards that apply to the subject sites. The Planning Proposal does not require any changes to the Local Environmental Plan (LEP) maps.

Part 3 – Justification of strategic and site-specific merit.

Section A – Need for the Planning Proposal

1. Is the planning proposal a result of an endorsed LSPS, strategic study or Report?

This Planning Proposal directly supports the delivery of several Planning Priorities in the endorsed *Penrith Local Strategic Planning Statement (Penrith LSPS) 2020*.

Penrith LSPS 2020

Site 1 & 2 Champness Crescent

The *Penrith LSPS* outlines Penrith's economic, social and environmental land use needs over the next 20 years. It highlights the strategic planning work required by Council to align with, and respond to, the initiatives and directions of local and state government plans and policies. Key priorities 3 and 5 from the *Penrith LSPS* relate to the preparation of a planning proposal for Site 1 & 2:

Planning Priority 3 – Provide new homes to meet the diverse needs of our growing community

- Penrith's population is expected to grow significantly over the next 20 years with an additional 24,000 homes needed to meet the demand.

Action 3.3 of the LSPS requires to "Review and update planning and development controls to encourage the delivery of mixed-use and high-density residential development in Penrith City Centre, St Marys Town Centre, and Kingswood.

The subject sites are located within the St Marys Town Centre and already zoned R4 High Density Residential.

Reclassifying these sites will enable Council to provide more residential land to the market, aligning with the target outcomes of Planning Priority 3 in the *Penrith LSPS*.

Planning Priority 5 – Facilitate sustainable housing

- The *Penrith LSPS* identifies that the way housing is planned is important to achieving a sustainable City, ensuring that land is used more efficiently. One solution identified to make residential development more sustainable is by limiting urban sprawl and continuous, unplanned development.

The reclassification of Sites 1 and 2 will enable Council to provide land to the market that will contribute to the delivery of housing supply in an existing neighbourhood, using the existing land parcels more efficiently, aligning with the target actions of Planning Priority 5 of the *Penrith LSPS*.

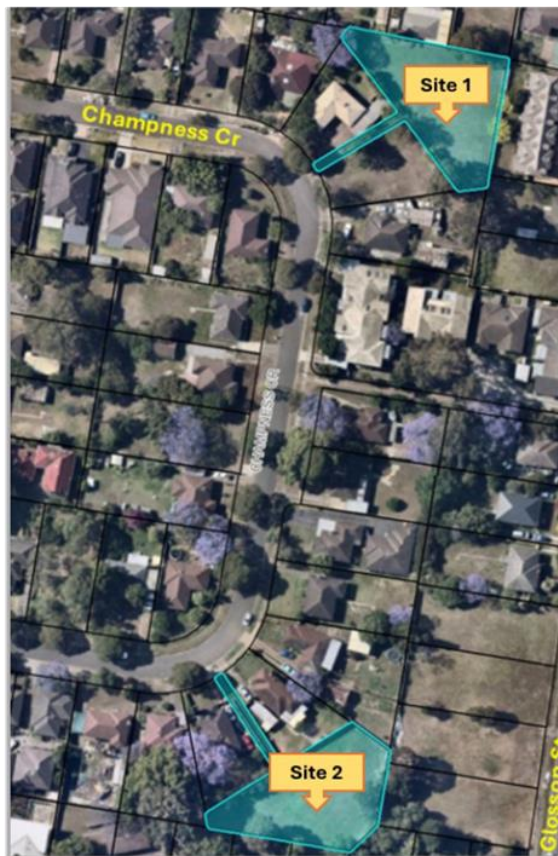


Figure 1: Location of 12A Site 1 and 32A Site 2 Champness Crescent

Site 3 Dunheved Circuit

Planning priority 12 from the *Penrith LSPS* relates to the preparation of a planning proposal for Site 3:

Planning Priority 12 – Enhance and grow Penrith’s economic triangle

The St Marys Town Centre is identified as a ‘Strategic Centre’ in the *Western City District Plan* featuring one of the largest industrial precincts in Sydney and set to provide 11,500 jobs by 2036.

110A Dunheved Circuit is located in Penrith’s economic triangle, on the northern side of the railway line. This industrial lot will provide the opportunity to contribute to the

delivery of more jobs, particularly with its proximity to the planned Outer Sydney Orbital
(See figure 3 – Location of 110a Dunheved Circuit in proximity to the outer Sydney orbital).

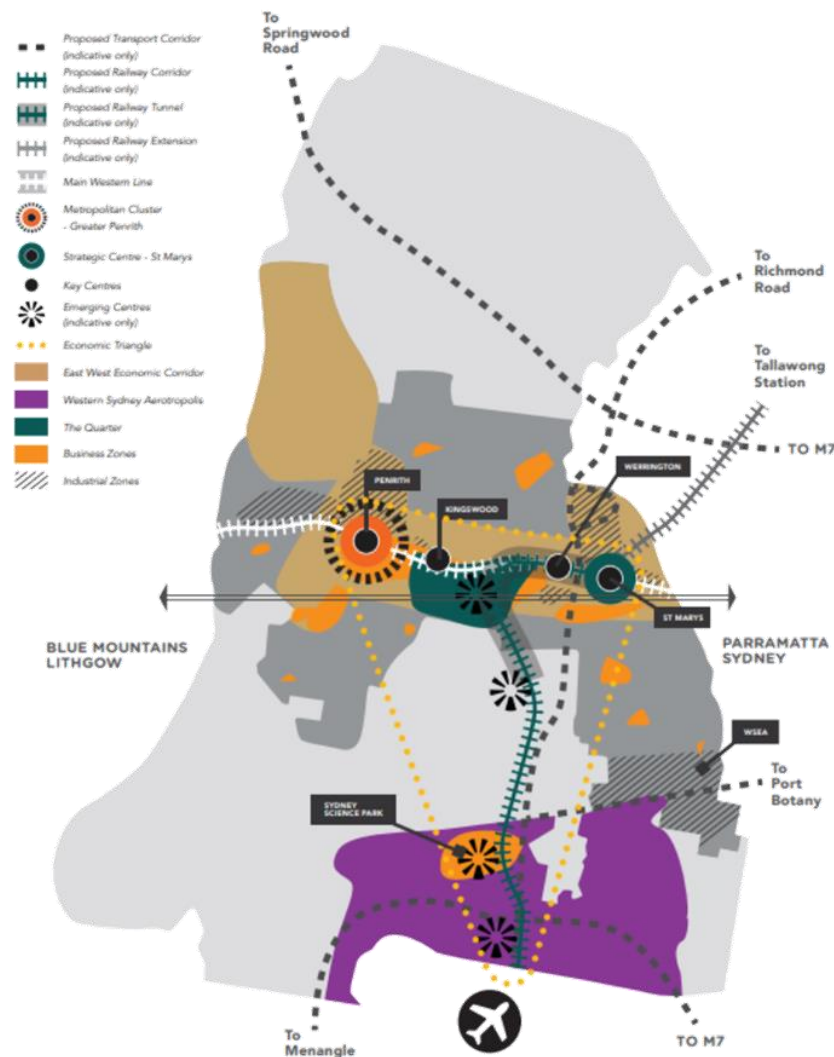


Figure 2 – Penrith's Economic Triangle (Source: Penrith Local Strategic Planning Statement 2020)

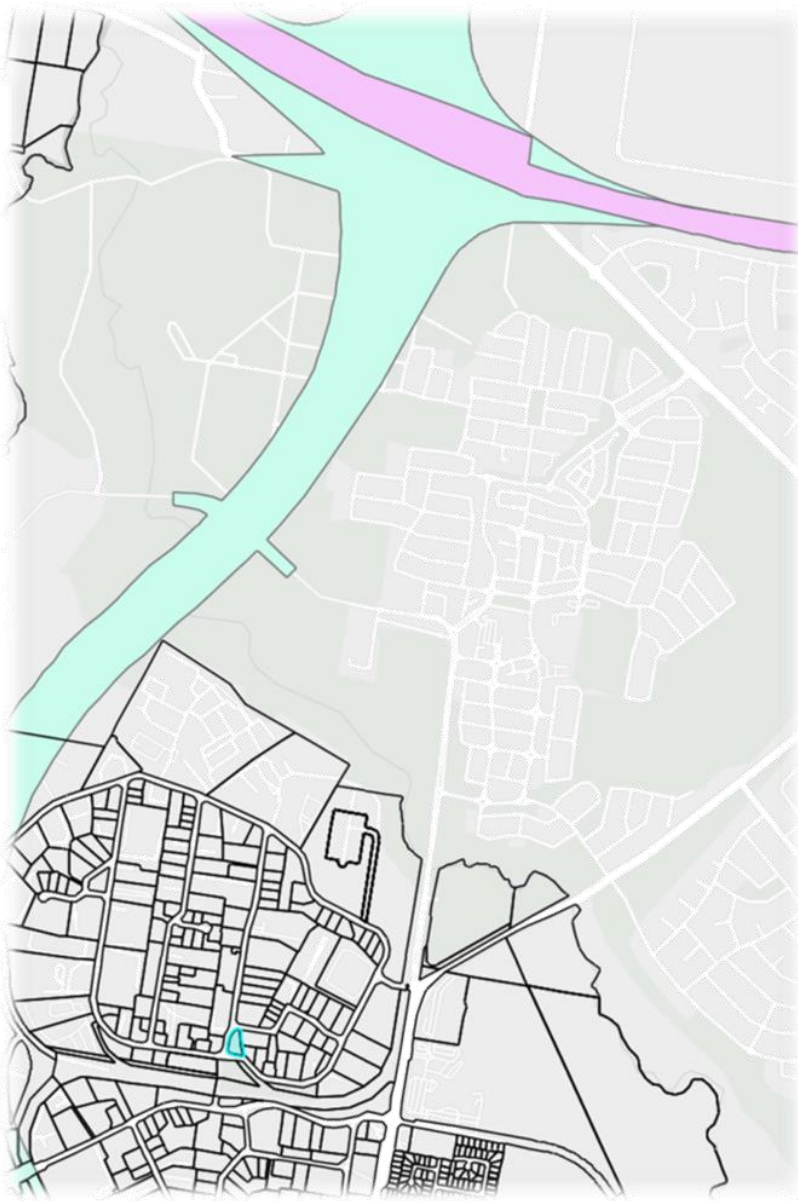


Figure 3 Location of 110a Dunheved Circuit Site 3 in proximity to the outer Sydney orbital

The *Penrith LSPS* identifies that the management of existing and future industrial and urban services land will be important to ensure the community has jobs and services close to home.

The reclassification of Site 3 will enable the use of the land appropriate to its E4 General Industrial zoning and will assist in the retention and management of existing industrial land to deliver more jobs and meet the St Marys precinct employment targets.



Figure 4: Location of Site 3 110a Dunheved Circuit in the St Marys Industrial Precinct

St Marys Town Centre Structure Plan (November 2022)

Site 1 & 2 Champness Crescent

The St Marys Town Centre Structure Plan has been prepared to guide the growth of the St Marys Town Centre over the next 20 years. 12a and 32a Champness Crescent are identified as part of the proposed Ridge-top Living Precinct. This precinct aims to provide high density living with a focus on the provision of social and affordable housing close to facilities, jobs and amenity.

Key directions for improvement have been identified in each precinct to support the delivery of the Structure Plan. Notably, Sites 1 and 2 are included as a key direction in the Council endorsed Structure Plan, with the recommendation to 'consider re-purposing/sale of existing two triangular pocket parks along Champness Crescent that are underused and difficult to access'

Draft St Marys Town Centre Master Plan

The draft St Marys Town Centre Master Plan was on exhibition from 4 to 30 November 2024. The Master Plan is a strategic framework to deliver on the community's vision to shape the St Marys Town Centre over the next 20 years

Sites 1 and 2 are identified in the draft St Marys Town Centre Master Plan as part of the new Ridgetop Living precinct. The desired outcome is for a vibrant high density living area, within a short walk to nearby transportation, services and employment opportunities.

The opportunities that arise from the reclassification of sites 1 and 2 include the ability for the sites to be amalgamated with adjoining lots, ideally owned by Homes NSW, to allow for more integrated redevelopment of affordable housing and to help offset lots, also owned by Homes NSW, for the delivery of an expanded and enhanced Ross Park nearby.

The draft St Marys Town Centre Master Plan indicates that there will be no loss of public recreation space, instead a new local park at Ross Place will be created and existing parks will be further enhanced.

PRECINCT-SPECIFIC INTERVENTIONS

RIDGE-TOP LIVING

Medium to high density residential precinct that offers housing diversity; focussing on the provision of affordable and social housing close to facilities, jobs and amenity.

KEY DIRECTIONS FOR IMPROVEMENT:

- Consider re-purposing/sale of existing two triangular pocket parks along Champness Crescent that are underused and difficult to access

Figure 5 - Extract from St Marys Town Centre Structure Plan (Nov 2022) p.g. 133

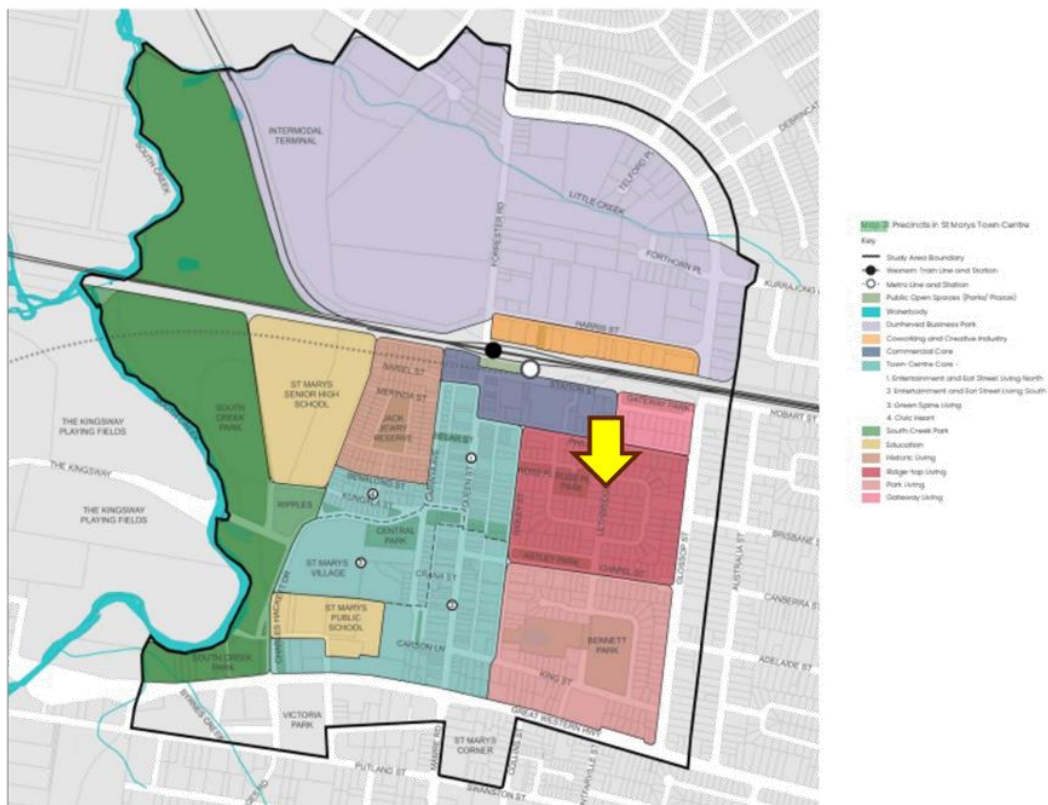


Figure 6: Extract from the St Marys Town Centre study area showing the proposed Ridge-Top Living Precinct and nearby open spaces (P.65)

For this action to be achieved, the subject sites would need to be reclassified to Operational Land as Council will be unable to deal on the land as suggested by the direction until it is no longer Community Land.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The reclassification of land from Community to Operational is considered to be the best means of achieving the objectives and intended outcomes.

- **Community land** is land available for use by the general public, for example, parks, reserves or sports grounds. Community land must not be sold, exchanged or otherwise disposed of by a council. There are restrictions on granting leases and the way the land can be used.
- **Operational land** facilitates the functions of Council, and may not be open to the general public, for example a Council depot. There are no special restrictions on council powers to manage, develop, dispose or change the nature and use of Operational land.

The sites are currently classified as Community Land, which restricts Council from selling, exchanging, or disposing of the land under the provisions of the Local Government Act 1993. To achieve the objectives and intended outcomes for these sites, this planning proposal presents the most effective and transparent pathway.

This approach enables Council to evaluate the future use of the land in alignment with the proposed zoning, thereby supporting more efficient and strategic management of Council assets.

Section B – Relationship to the Strategic Planning Framework

3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including and exhibited draft plans or strategies)?

This Planning Proposal is consistent with the objectives and actions of a number of key strategic planning documents as outlined below.

The Greater Sydney Region Plan (2018)

The *Greater Sydney Region Plan: A Metropolis of Three Cities (the Plan)* envisions a city where residents can access jobs, education, health facilities, services, and vibrant places within 30 minutes of where they live. The Penrith Local Government Area is positioned within the Western Parkland City as part of this Vision.

The *Plan's* 40-year vision to 2056 is supported by a 20-year framework to guide the growth and transformation of Greater Sydney.

This framework addresses social, economic, and environmental priorities through ten (10) overarching directions, which are further applied to the five (5) districts that comprise the Greater Sydney Region.

The subject of this Planning Proposal aligns broadly with the overarching vision of the *Plan* but is specifically aligned with the following objectives.

Site 1 & 2 Champness Crescent

Direction 4 – Housing the City

Objective 11 – Housing is more diverse and affordable

The reclassification of Sites 1 and 2 aligns with Strategy 11.2, which supports unlocking surplus land for potential residential development. Given the site's proximity to transport,

employment hubs, services, and multiple affordable housing providers, it presents a significant opportunity to increase housing supply and choice, while contributing to improved housing affordability.

Site 3 Dunheved Circuit

Direction 7 – Jobs and skills for the City

Objective 23 – Industrial and urban services land is planned, retained and managed

The reclassification of Site 3 aligns with Strategy 23.1, which emphasises the importance of retaining and managing existing industrial land to safeguard it from competing pressures. The current zoning of the site as E4 General Industrial presents an opportunity for Council to optimise its use, contributing to the overall goals of job creation and supporting economic growth within the metropolitan area.

Western City District Plan (2018)

As outlined above, the *Greater Sydney Region Plan* envisions a metropolis of three (3) cities, spanning across five (5) districts. The Western City District encompasses the local government areas of the Blue Mountains, Camden, Campbelltown, Fairfield, Hawkesbury, Liverpool, Wollondilly, and Penrith.

The *Western City District Plan (District Plan)* serves as a 20-year framework to guide the implementation of the *Greater Sydney Region Plan*. Its goal is to provide residents with quicker and easier access to a broader range of jobs, diverse housing options, and activities, while enhancing the district's lifestyle and environmental assets.

This Planning Proposal contributes to the vision of the *District Plan* through alignment with the following Planning Priorities.

Site 1 & 2 Champness Crescent

Planning Priority W5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport

The NSW Department of Planning and Environment's projections of population and household growth in the Western City District put forward the requirement for an additional 184,500 homes between 2016 and 2036.

Meeting this demand requires a diverse range of housing types, tenures, price points, and designs in preferred locations. However, some areas are unsuitable for additional housing due to constraints such as limited access to services and public transport.

The reclassification of Sites 1 and 2 will provide land within an established housing area, strategically located near key services and public transport. These local infill development sites will be able to contribute to addressing the "missing middle" identified in the *District Plan*.

Site 3 Dunheved Circuit

Planning Priority W10 – Maximising freight and logistics opportunities and planning and managing industrial and urban services land

The demand for industrial and urban services land will increase in line with population growth. The *District Plan* identifies that the activities undertaken on these lands serve local communities and require good local access to reduce the need to travel to other areas as well as reduce congestion on the transport system.

As mentioned previously, existing industrial sites are under pressure to rezone to residential uses and therefore, the retention of existing industrial and urban services sites is important for the growth and support of the Greater Sydney economy.

The reclassification of Site 3 contributes directly to Action 51 of the *District Plan*, by retaining and managing the industrial site and enabling its development to facilitate jobs and growth.

4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

Council's *Places of Penrith* Strategic Framework, consists of a suite of city-shaping strategies in line with the Planning Priorities outlines in both the *Penrith LSPS* and *Western City District Plan*. The current strategies relevant to this Planning Proposal include the *Employment Lands Strategy*, *Green Grid Strategy* and the *Local Housing Strategy*.

Employment Lands Strategy (2021)

The *Employment Lands Strategy* addresses the community's priorities of growing the local economy, attracting investment, and enabling a greater diversity of jobs and businesses to locate closer to Penrith. Notably, 60% of Greater Sydney's potential new employment land supply is in the Penrith Local Government Area, however, much of this land remains unzoned and unserviced, delaying its availability for development.

The reclassification of Site 3 directly supports *Strategic Direction 3 – Build on our strengths and facilitate new enterprise*. While the St Marys Industrial area predominantly consists of large lots that cater to the logistics industry, there is a growing need for smaller lots to support the establishment and expansion of local industries.

Unlocking a smaller parcel of land at Site 3, enables Council to contribute to the market immediately, facilitating local business growth and support the creation of diverse employment opportunities.

The reclassification of Site 3 also supports Action 10 of the strategy which relates to improving local amenity in Penrith's older industrial precincts. Adjacent to Site 3, the Dunheved Estate Reserve, a 7,000sqm Reserve offers shaded areas and picnic facilities to support the social and recreational needs of local employees.

The reclassification of site 3 will facilitate industrial and employment opportunities in the E4 General Industrial zone and is consistent with the principles to retain and manage its existing industrial / employment lands as identified in the Greater Sydney Region Plan Western City District Plan, LSPS and Employment Lands Strategy.

Penrith Green Grid Strategy (2021)

Open space is one of Penrith's most valuable assets, encompassing waterways, bushland, tree canopies, green ground cover, parks, and recreational spaces. The *Green Grid Strategy* aims to enhance and expand Penrith's green infrastructure by recognising existing assets and identifying opportunities to strengthen the green network through new links.

In relation to this Planning Proposal, Sites 1 and 2 are not part of any identified Green Grid Projects or current/proposed connections. Site 3 is adjacent to the proposed South Creek connection, however, is not identified as required to achieve the goals of the *Green Grid Strategy*. Nonetheless, any future development will prioritise the retention of valuable vegetation and trees, ensuring alignment with Penrith's commitment to the creation of cool and green neighbourhoods across the LGA.

Local Housing Strategy (2022)

The Penrith *Local Housing Strategy* provides a strategic framework to guide housing development over the next 20 years, addressing Penrith's projected population growth, while navigating environmental constraints across the LGA. The reclassification of Sites 1 and 2 strongly aligns with key objectives of this strategy:

Priority A – Housing supply delivered in the right location at the right time.

Sites 1 and 2 present a prime opportunity to contribute to Council's housing supply targets of 14,500 to 18,700 additional dwellings by 2036. Their strategic location, close to services and transport, ensures that new housing can be delivered where it is most needed, helping to meet the growing demand for homes in the Penrith LGA.

Priority C – Supporting the provision of specialised and affordable housing.

Sites 1 and 2 are located adjacent to land owned by Homes NSW, creating a unique opportunity for collaboration. Discussions have taken place with Homes NSW to explore the potential for consolidating land holdings, enabling a more cohesive and efficient approach to affordable housing development in the area. This alignment has the potential to contribute to the demand for diverse and affordable housing options, as well as ensuring the area's growth is inclusive and sustainable.

The outcomes of this planning proposal are also consistent with various additional strategic documents including the *Penrith Economic Development Strategy*, *Penrith Sport and Recreation Strategy*, and the *Draft St Marys Town Centre Master Plan*.

Penrith Economic Development Strategy 2023 –2031 (2023)

Penrith is targeting the creation of 23,000 additional jobs by 2031, a goal that would be reduced to 18,000 without the support of Council and its partners. By unlocking the land at Site 3, Council can contribute to the vision of a *30-Minute City*, where residents are within 30 minutes of their jobs, educational institutions, healthcare, and vibrant destinations.

The reclassification of Site 3 aligns with *Strategic Priority 3 – Leveraging Employment Lands*. By better utilising land in the St Marys Industrial Area, Council can support the sustainable growth of Penrith's industrial economy, through the provision of a physical asset, as well as driving job creation.

Penrith Sport and Recreation Strategy (2020)

The 15-year *Penrith Sport and Recreation Strategy* forms the road map for the future provision of sport, recreation, play, and open space facilities across the city. This Strategy and its Action Plan identifies gaps in the provision of Open Space while addressing future demands for open space, play, sport, and recreation facilities to meet the needs of a growing population.

Importantly, Sites 1, 2 and 3 are not identified as key open space sites or as locations requiring investigation for inclusion in the Strategy's implementation. Therefore, the impact of reclassification of these sites will not interfere with the city's open space priorities and will allow for more effective use of land to support broader urban growth goals.

Draft St Marys Town Centre Master Plan (2024)

The St Marys Town Centre is set for significant change in the coming years, with the *Draft St Marys Town Centre Master Plan (Draft Master Plan)* shaping the future of the Town Centre, focusing on the implementation and infrastructure required to deliver the vision.

Sites 1 and 2 are identified in the *Draft Master Plan*, located within the 'Ridgetop Living Precinct'. This precinct is proposed to be a vibrant, high density residential area within a short walk to transport, services, and employment opportunities.

The *Draft Master Plan* presents several sites with the ability to unlock St Mary's potential, sites that 'offer the opportunity to deliver multiple community outcomes and transform the Town Centre if developed in a strategic way. The reclassification of Site 1 and 2 is required to enable the delivery of *Opportunity 8 – Homes NSW Landholdings* with the desired outcome to:

- Amalgamate pocket parks at 12a Champness Crescent (Lot 41 DP 35970) and 32a Champness Crescent (Lot 51 DP 35970) with adjoining lots. This will allow for more integrated redevelopment for affordable housing and help offset lots needed for the expanded Ross Place Park. Also refer to discussion in Part 3 Section A, discussion relating to the St Marys Town Centre Master Plan.



Figure 7 - Ridge-Top
Living Precinct Plan -
Source: Draft St Marys
Town Centre Masterplan
(2024)

5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

The outcomes of this planning proposal are also consistent with the principles and directions of the following State strategy:

Public Open Space Strategy for NSW (2024)

The *Public Open Space Strategy for NSW (Open Space Strategy)* sets a clear direction for how public open spaces are valued, managed, integrated, and celebrated across the state. In shaping this Strategy, the *Greater Sydney Outdoors Study 2019* captured the recreational priorities of Sydney residents, with Western City District residents in particular, highlighting a desire for safe, high-quality parks with good facilities, open spaces that foster a sense of community, and spaces designed for diverse uses.

Additionally, the *Everyone Can Play* Guide was developed as a resource to guide the creation of inclusive play spaces with three core principles: Can I get there? Can I play? Can I stay? These principles ensure public spaces are accessible, engaging, and welcoming for all members of the community.

An assessment of Sites 1, 2 and 3 against the *Open Space Strategy*, the *Greater Sydney Outdoors Study*, and the principles of the *Everyone Can Play* Guide reveals that none of these sites currently possess the characteristics or potential to deliver the high-quality, inclusive open spaces the community seeks. Their reclassification will not detract from achieving the broader goals for public open space but will instead enable better use of land to address pressing housing and employment needs while preserving resources for genuinely impactful open space projects.

NSW Government Planning & Environment – LEP Practice Note PN16-001 (2016)

The Department of Planning and Environment has published the *LEP Practice Note PN16-001* that relates to the *Classification and reclassification of public land through a local environmental plan*. As assessment of the necessary information is provided below to ensure that this Planning Proposal addresses the requirements of both the local plan making process of the Environmental Planning & Assessment Act 1979 and the public land management requirements of the Local Government Act.

Penrith 2036+ Community Strategic Plan (2022)

The reclassification of these sites aligns with *Outcome 3 – We plan and shape our growing City*, as the community desires more local job opportunities closer to home and wanting to see new businesses startup and grow to achieve more equitable economic outcomes for the city. The community also desires to see better planning outcomes for the future and the reclassification of these sites will create more opportunities for local jobs but also enhancing the St Marys Town Centre as discussed in the draft St Marys Master Plan.

Penrith Local Environmental Plan (2010)

The Planning Proposal closely aligns with *Part 1.2 aims* of the Penrith Local Environmental Plan (2010)

1.2 Aim of Plan clause	Comment
1.2 (a) to provide the mechanism and planning framework for the management, orderly and economic development, and conservation of land in Penrith,	The Planning Proposal is an initiative to manage Council's property portfolio more efficiently. It will enable orderly development of land that is currently under-utilised in key locations. The Planning Proposal will facilitate the implementation of the draft St Marys Town Centre Master Plan which seeks the delivery and enhancement of the Town Centre and surrounding area.

1.2 (b) to promote development that is consistent with the Council's vision for Penrith, namely, one of a sustainable and prosperous region with harmony of urban and rural qualities and with a strong commitment to healthy and safe communities and environmental protection and enhancement,	Permitting future development of this land will assist with the creation of a prosperous and sustainable Penrith. Concentrating densities around public transport infrastructure, and the provision of jobs through industry is an efficient use of land and an appropriate way to manage future growth.
1.2 (c) to accommodate and support Penrith's future population growth by providing a diversity of housing types, in areas well located with regard to services, facilities and transport, that meet the current and emerging needs of Penrith's communities and safeguard residential amenity,	This Planning Proposal will enable sites 1 and 2 to realise the intentions of the existing R4 zoning, which will contribute to affordable and diverse housing supply. Any development outcome will be subject to Penrith Development Control Plan 2014 which will safeguard residential amenity.
1.2 (d) to foster viable employment, transport,	The Planning Proposal will enable more efficient land use,

education, agricultural production and future investment opportunities and recreational activities that are suitable for the needs and skills of residents, the workforce and visitors, allowing Penrith to fulfil its role as a regional city in the Sydney Metropolitan Region,	encouraging employment uses and housing supply suited to the needs and skills of the residents through the reclassification of these sites from Community Land to Operational Land. Sites 1 and 2 will be located in the new Ridge-top living precinct as identified in the draft St Marys Master Plan. The precinct will be located in proximity to the new Ross PI Park which will enhance the recreational functions of the area.
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The current and proposed classification of the land

- ☒ The land is currently classified as Community Land and is proposed to be reclassified to Operational Land under the provisions of the Local Government Act.

Whether the land is a ‘public reserve’ (defined in the LG Act)

- ☒ Sites 1, 2 & 3 are currently classed as Public Reserve under the Local Government Act.

The strategic and site specific merits of the reclassification and evidence to support this

- ☒ Addressed throughout.

Whether the planning proposal is the result of a strategic study or report.

- ☒ Addressed under Part 3 Section A – Need for the Planning Proposal.

Whether the planning proposal is consistent with council's community plan or other local strategic plan.

- ☒ Addressed under Part 3 Section B – Relationship to Strategic Planning Framework.

The Planning Proposal aligns with the outcomes of Council's Towards 2036 Community Strategic Plan as the reclassification of these sites from Community Land to Operational Land will foster local employment growth, economic development and the delivery of affordable housing supply. The Planning Proposal also achieves the aims of the Penrith Local Environmental Plan (2010) under section 1.2 Aims of Plan.

How and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution)

- ☒ Site 1 and 2 were dedicated as reserves for public recreation by the Housing Commission of NSW vesting in the Council of the City of Penrith (Gov Gazette 16 March 1962).

Site 3 on subdivision by the Commonwealth, on Deposited Plan 31909 registered in 1961, the land was set aside as 'Public Garden and Recreation Space'.

It was transferred to Council from the Commonwealth in 1967 as land did not automatically vest in Council on registration of deposited plan prior to 1964.

Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why.

- ☒ The Planning Proposal seeks to remove the public reserve status of sites 1, 2 & 3. This is to facilitate the use of the site consistent with the current zoning. A Governor's Approval is required to remove the public reserve status and the discharge of any interests relating to the lands.

The effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged).

- ☒ Reclassification of sites 1, 2 & 3 will enable Council to consider the future use of the

land in line with the existing zoning. This may include development, disposal, or consolidation with the adjoining land.

Sites 1 and 2 serve little to no public recreation purpose as the sites are isolated and not well used by the community. Similarly, Site 3 is located adjacent to a 7,000sqm Reserve that offers shaded areas and picnic facilities to local workers.

The surrounding areas of all three (3) sites will remain well-served by other green spaces after their reclassification (see figure 8 & 9), see LPP presentation.

Evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents).

- ☒ See Appendix 1 for copies of Certificates of Title, Deposited Plans and Government Gazette.

Current use(s) of the land, and whether uses are authorised or unauthorised.

- ☒ Sites 1 and 2 are vacant land.

Site 3 is currently being used as a site compound to support public utility works in the local area, including the storage of materials, plant and equipment, parking and site shed.

Current or proposed lease or agreements applying to the land, together with their duration, terms and controls.

- ☒ Site 3 is currently leased for a period of three (3) years, commencing 1 November 2024 and ending 31 October 2027 with a 1 plus 1 year option to renew. The maximum period of tenancy under the lease including renewals is five (5) years.

Current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement.

- ☒ There are no current or proposed business dealings associated with the land.

Current or proposed business dealings (e.g. agreement for the sale or lease of the

land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time. Council has entered a short-term lease for the site, and it is currently used as a site compound to support public utility works.

Prior to the lease, the site was vacant and served no recreational purpose.

Any rezoning associated with the reclassification.

- ☒ No rezoning of the land is proposed.

How council may or will benefit financially, and how these funds will be used.

- ☒ Council's strategic planning framework includes an overarching Community Plan and Delivery Program / Operational Plan (Delivery Program 2022-26) that outlines how revenue is raised and how funds are used.

Growth to the property reserve provides an alternate income stream and reduces the reliance on rates to fund Council's expenditure. Achievement of this target relies on a strategic approach to investing in property.

In the short term, should any of the subject sites be divested or developed in the future, all proceeds will be retained in the property reserve.

Council's long term financial plan is to pay a target annual dividend out of the property reserve into general revenue, which would be used to fund operational activities and key community projects including open space improvements. By creating a sustainable revenue stream alternate to rates income, Council can continue to fund open space improvements across the Local Government Area.

How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal.

- ☒ As above, all proceeds from any potential sale or development will be retained in the property reserve. Council has adopted an internal Property Investment Strategy

that includes a targeted annual dividend return from the property reserve into general revenue. General revenue used to fund a number of operational activities including open space improvements and/or asset renewal. By creating a sustainable revenue stream alternate to rates income, Council can continue to fund open space improvements across the Local Government Area.

A Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot.

- ☒ There are no part lots that apply to this reclassification.

Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.

- ☒ The three (3) subject sites formed part of a previous Planning Proposal submitted in 2019. Following the Gateway Determination, the consultation period yielded only one response from Endeavour Energy that was unrelated to the reclassification of the land.

This Planning Proposal will undergo the formal consultation process as per the Standard gateway process, including consultation with relevant government agencies.

6. Is the planning proposal consistent with applicable SEPPs?

The NSW Government publishes State Environmental Planning Policies (SEPPs) and Sydney Regional Environmental Plans (SREPs or deemed SEPPs). These documents deal with matters of State or Regional planning significance. This Planning Proposal is consistent with the applicable State Environmental Planning Policies (SEPP), as demonstrated below, due to the proposed changes being of minor significance.

State Environmental Planning Policies (SEPPs)	Applicable	Consistent
Housing (2021)	Yes	This planning proposal seeks to facilitate future residential development on Sites 1 and 2. Any future development proposal must address the provisions of this SEPP.
Transport and infrastructure (2021)	No	Not applicable
Primary production (2021)	No	Not applicable
Biodiversity and conservation (2021)	Yes	Yes. This planning proposal does not seek the removal of any trees or vegetation, however any existing trees are to be retained where possible for any future development. Any future development proposal must address the provisions of this SEPP.
Resilience and hazards (2021)	Yes	Any future development proposal must address the provisions of this SEPP.
Industry and employment (2021)	Yes	Advertising and signage may become relevant for Site 3 for future development applications and will be addressed at that stage.
Resources and energy (2021)	No	Not applicable
Planning systems (2021)	No	Not applicable
Eastern Harbour City (2021)	No	Not applicable
Central River City (2021)	No	Not applicable
Western Parkland City (2021)	No	Not applicable
Regional (2021)	No	Not Applicable
Sustainable Buildings 2022	Yes	Future development will need to address the provisions of the

		Sustainable Buildings SEPP.
Exempt and Complying Development Codes (2008)	No	Not applicable

7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

The Minister for Planning issues Local Planning Directions that must be applied to the preparation of planning proposals. This Planning Proposal is considered to be consistent with all applicable Section 9.1 Directions, as demonstrated below, due to the proposed changes being of minor significance.

Ministerial Directions (Section 9.1)	Applicable	Consistent
Focus Area 1: Planning Systems		
1.1 Implementation of Regional Plans	Yes	This planning proposal is consistent with the relevant Regional Plan – <i>The Greater Sydney Region Plan: A Metropolis of Three Cities</i> .
1.2 Development of Aboriginal Land Council land	No	Not applicable
1.3 Approval and Referral Requirements	Yes	This planning proposal does not require the concurrence, consultation or referral of a Minister or public authority.
1.4 Site Specific Provisions	Yes	Yes. This planning proposal does not require the amendment of any other environmental planning instruments other than the Penrith LEP.
1.4A Exclusion of Development Standards from Variation	No	Not applicable

Focus area 3: Biodiversity and Conservation		
3.1 Conservation Zones	No	Not applicable
3.2 Heritage Conservation	No	Not applicable
3.3 Sydney Drinking Water Catchments	No	Not applicable
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	No	Not applicable
3.5 Recreation Vehicle Areas	No	Not applicable
3.6 Strategic Conservation Planning	No	Not applicable
3.7 Public Bushland	No	Not applicable
3.8 Willandra Lakes Region	No	Not applicable
3.9 Sydney Harbour Foreshores and Waterways Area	No	Not applicable
3.10 Water Catchment Protection	No	Not applicable
Focus Area 4: Resilience and Hazards		
4.1 Flooding	Yes	The Planning Proposal does not seek to change existing Council controls relating to flooding. Flood impact will be considered in detail at the development application stage.
4.2 Coastal Management	No	Not applicable
4.3 Planning for Bushfire Protection	Yes	The sites are not identified as bushfire prone land. However, Council will consult with the NSW Rural Fire Service in accordance with the requirements of this direction.

4.4 Remediation of Contaminated Land	Yes	Site 3 is zoned E4 General Industrial and site investigations have identified possible contamination. If the land requires remediation, the land will be made suitable for E4 permitted uses and will be consistent with the requirements of this direction.
4.5 Acid Sulfate Soils	No	Not applicable
4.5 Mine Subsidence and Unstable Land	No	Not applicable
Focus Area 5: Transport and Infrastructure		
5.1 Integrating Land Use and Transport	Yes	The planning proposal is consistent with this direction as all sites benefit from excellent access to public transport systems. This will be further strengthened on completion of the Sydney Metro Station at St Marys.
5.2 Reserving Land for Public Purposes	Yes	The planning proposal is consistent with this direction as it seeks approval from the relevant authority to reclassify land that no longer serves a public purpose. The reclassification will also allow consistency with the zoning of the sites.
5.3 Development Near Regulated Airports and Defence Airfields	No	Not applicable
5.4 Shooting Ranges	No	Not applicable
5.5 High Pressure Dangerous Goods Pipelines	No	Not applicable

Focus Area 6: Housing		
6.1 Residential Zones	Yes	The Planning Proposal is consistent with the requirements of this direction as it seeks to encourage a variety and choice of housing types to provide for existing and future housing needs. It will make more efficient use of vacant land at sites 1 & 2 close to existing infrastructure and services.
6.2 Caravan Parks and Manufactured Home Estates	No	Not applicable
Focus Area 7: Industry and Employment		
7.1 Employment Zones	Yes	The planning proposal is consistent with the requirements of this direction as it seeks to enable Site 3 to be used for general industrial activities and foster local employment.
7.2 Reduction in non-hosted short-term rental accommodation period	No	Not applicable
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	No	Not applicable
Focus Area 8: Resources and Energy		
8.1 Mining, Petroleum Production and Extractive Industries	No	Not applicable

Section C – Environmental, Social and Economic Impact

The reclassification of the three (3) subject sites has the potential to deliver social and economic benefits to the community by allowing Council to align the future use of the

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land to be consistent with the respective zones. Over time, Sites 1, 2 and 3 are likely to be developed to their highest and best use, with the potential to support the delivery of diverse and affordable housing as well as creating local employment opportunities. However, any future development enabled by this Planning Proposal must be carefully assessed to avoid adverse impacts on the environment and the broader community. This will be achieved by ensuring compliance with existing planning controls outlined in *Penrith LEP 2010* and *DCP 2014*.

1. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

No habitat of any kind has been identified or observed on any of the three (3) subject sites. The absence of vegetation, along with the current use of the sites, indicates that there is no potential for critical habitats or threatened species, populations, or ecological communities and their habitats to be adversely impacted by this Planning Proposal. As such, further environmental assessment is not deemed necessary.

The land is not identified on the *Biodiversity Values Map* or the *Natural Resources Sensitive Land Map* in the *Penrith LEP 2010*. Furthermore, the existing trees are not identified as having landscape significance in the *Scenic and Landscape Values Map* and associated provisions in *Penrith LEP 2010*. This Planning Proposal does not propose amendments to any of these maps or provisions, which will remain applicable to the land. Detailed controls for the preservation of trees and vegetation will be addressed through the *Penrith DCP 2014* at the development application stage.

2. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

The proposed reclassification will not result in any direct environmental impacts. However,

it facilitates a potential change in land use from open space to high-density residential for Sites 1 and 2, and industrial for Site 3. Any future development applications for these uses will be subject to a thorough merit assessment to address and manage any potential impacts on the surrounding natural environment and neighbouring sites. The anticipated environmental effects associated with the potential future use of the land are outlined below.

Trees and Vegetation

Sites 1 and 2 are void of trees or significant vegetation, and as a result, no environmental impacts are anticipated. However neighbouring properties contain trees of high biodiversity values and any future development on these sites and trees located on neighbouring land will need to ensure the trees are retained and protected.

Site 3 contains a few scattered trees, primarily located along the western and northern boundaries. While this proposal does not include plans for tree removal, any future development of the site will be guided by the controls in *Part C2 Vegetation Management* and *C14 Urban Heat Management* of the *Penrith DCP*. Council recognises the importance of established trees in industrial areas and trees will be retained where reasonably practicable. No threatened flora species were recorded at any of the three sites or are currently present.

Built character and overshadowing

The Planning Proposal seeks to reclassify all three (3) sites from Community to Operational land. It does not propose rezoning, which ensures any future development will be consistent with the surrounding locality. Building height controls remain unchanged, preventing overdevelopment and minimizing impacts on adjoining properties. The built form of any future development will be required to adhere to Council's DCP, with Sites 1 and 2 also subject to the Housing SEPP 2021.

Detailed impacts of future development will be thoroughly assessed at the development application stage.

The draft St Marys Town Centre Master Plan was exhibited in November 2024. The draft Master Plan proposes amendments to planning controls, including HOB across the Town Centre. Council are reviewing and considering all feedback received. For further details on the draft St Marys Town Centre Master Plan, see link

<https://yoursaypenrith.com.au/stmarys>.

Flood and water management

12A Champness Crescent is not affected by local overland flow or mainstream flooding.

32A Champness Crescent is affected by local overland flow flood paths over a small section along the southern boundary and is subject to Council's flood related development controls. The property is identified to be within the flood planning area under St Marys (Byrnes Creek) Catchment Floodplain Risk Management Study and Plan. The property is outside of the 1% AEP flood extent. Habitable floor levels are to be at or above the flood planning level (1% AEP flood level + 0.5m freeboard).

110A Dunheved Circuit is not affected by local overland flow or mainstream flooding.

Contamination

None of the three (3) sites are listed by the EPA on the *NSW Register of Contaminated Sites*.

The Section 10.7 Certificates for 12A Champness Crescent and 110A Dunheved Circuit do not indicate contamination.

However, Council has conducted preliminary contamination and geotechnical investigations on 110A Dunheved Circuit in 2021. During these investigations, fragments of asbestos were identified in one area and subsequently removed. Additionally, some carcinogen exceedances were detected in another area.

It was recommended that further targeted site investigations be undertaken, which will be undertaken at development application stage.

The Section 10.7 Certificate for 32A Champness Crescent indicates potential contamination, and there is an *Asbestos Management Plan* currently in place for the site. Further investigations to confirm the status of contamination and identify remediation measures will be carried out at the development application stage.

Bushfire

None of the three (3) sites are identified as bushfire prone land. Council will consult the NSW Rural Fire Service on the Planning Proposal in accordance with the requirements of Section 9.1 Directions by the Minister.

3. Has the planning proposal adequately addressed any social and economic effects?

The social and economic impacts of this Planning Proposal are closely tied to the challenges posed by a growing population, as highlighted in the State Government's strategic planning documents. These documents consistently emphasise the importance of urban renewal and infrastructure delivery in strategic urban centers to address population needs and stimulate economic growth. This proposal aligns with these priorities, enabling sustainable urban development and supporting economic activity, ultimately ensuring that the area evolves to meet future demands.

In a growing city, Council acknowledges the communities surrounding the identified sites may have concerns about the potential loss of open space.

However, Sites 1, 2, and 3 were carefully selected for reclassification as they serve little to no public recreation purpose. The removal of Sites 1 and 2 from the open space network is unlikely to impact St Marys residents, as the sites are isolated and not well used by the community. In addition to this, the area is already well-served by accessible green

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spaces, and as indicated in the *Draft St Marys Town Centre Masterplan*, the area will have access to four (4) open space locations within a 400m walk including Gateway Park, Ross Place Park, Astley Park and Bennett Park.



Figure 8: Location of 12A and 32A Champness Crescent showing nearby current and proposed open spaces

The Northern Precinct of the St Marys Industrial Area is serviced by the open space located adjacent to Site 3; the Dunheved Estate Reserve. The 7,000sqm Reserve offers shaded areas and picnic facilities to support the social and recreational needs of local employees.



Figure 9. Location of site 3 110a Dunheved Circuit in adjacent to the Dunheved Estate Reserve which is Council owned land

The strategic approach to the selection of sites for reclassification ensures that essential recreational needs are maintained, while allowing underutilised sites to support broader community and urban development goals.

Section D – Infrastructure (Local, State and Commonwealth)

4. Is there adequate public infrastructure for the planning proposal?

This Planning Proposal is broad in scope and does not include immediate plans for redevelopment, therefore Council has not conducted formal traffic or parking assessments at this stage. The proposal focuses solely on reclassifying the land, with any future use subject to the development assessment process and further community consultation.

Council acknowledges that congestion is a key concern in a growing city, and any change in land use may impact the existing road and public transport networks. A high-level assessment of traffic, parking and access is provided below.

Public Transport Accessibility

Sites 1 and 2 are located within 800m (a 10-minute walk) of St Marys Train Station and future Sydney Metro Station, as well as 500m from two bus stops.

The draft St Marys Town Centre Master Plan proposes improved active transport links for pedestrians and bike riders to St Marys train station and the future metro station as well as to the Town Centre. It will also provide access to the new Entertainment and Eat Street Living Precinct and the Civic Heart Precinct

Site 3 is approximately 3km from St Marys Train Station and future Sydney Metro Station but less than 300m from the nearest bus stop. Additionally, it benefits from a shared path running alongside the Dunheved Estate Reserve to the south, connecting to Christie Street and the broader public infrastructure network.

St Marys Station is fully accessible and serviced by up to 10 trains per hour to Central and North Sydney during peak times. Additionally, the sites will benefit from the future St Marys Metro Station that will connect the Western Sydney Airport to the existing Sydney rail system.

Sites 1 and 2 will also benefit from two Priority Projects identified in the *Penrith Accessible Trail Hierarchy Study (PATHS) Implementation Plan 2022-2032*. These projects include planned connections from Glossop Street to Queen Street, via Phillip St located 80m north of 12A Champness Crescent, and a link to North St Marys via Glossop Street.

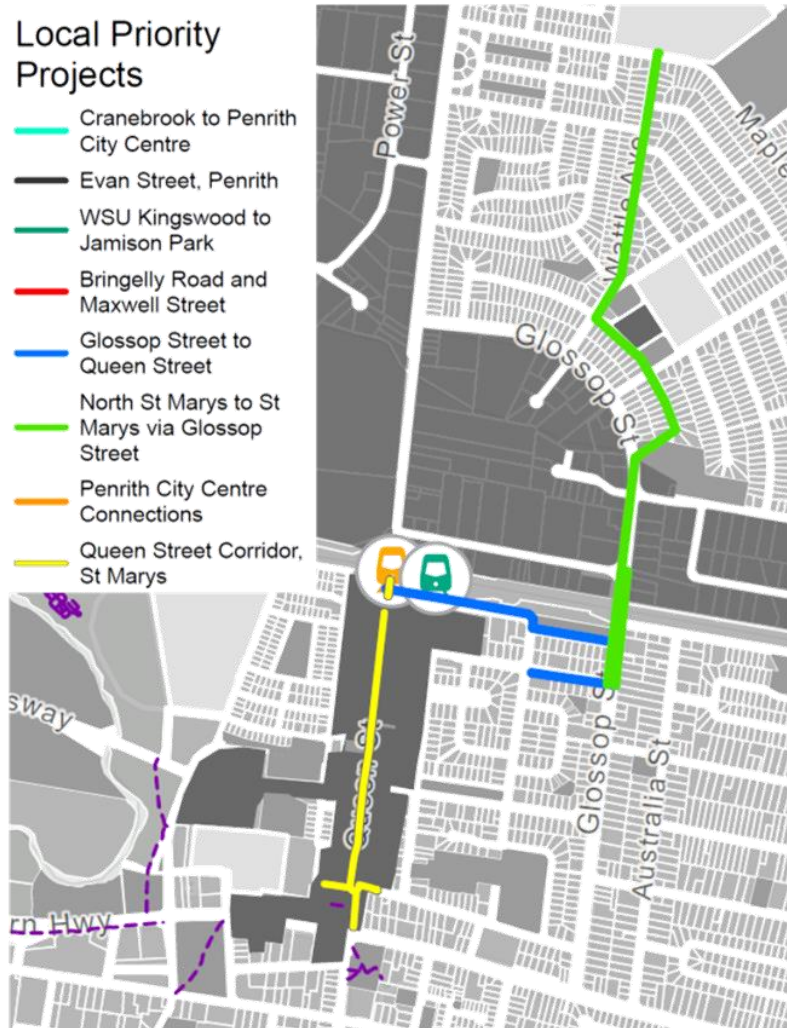


Figure 10 - Extract of Local Priority Projects Map A, Source: PATHS Implementation Plan 2022-2032

Site Access and Development Considerations

Sites 1 and 2 have limited access through narrow battle-axe handles, making high-density development more feasible if combined with adjacent lots. Any such development would require a detailed traffic and parking impact assessment as part of the development application.

Site 3 would require similar considerations as part of any development proposal, particularly regarding safe access and vehicle maneuvering around an industrial building/s.

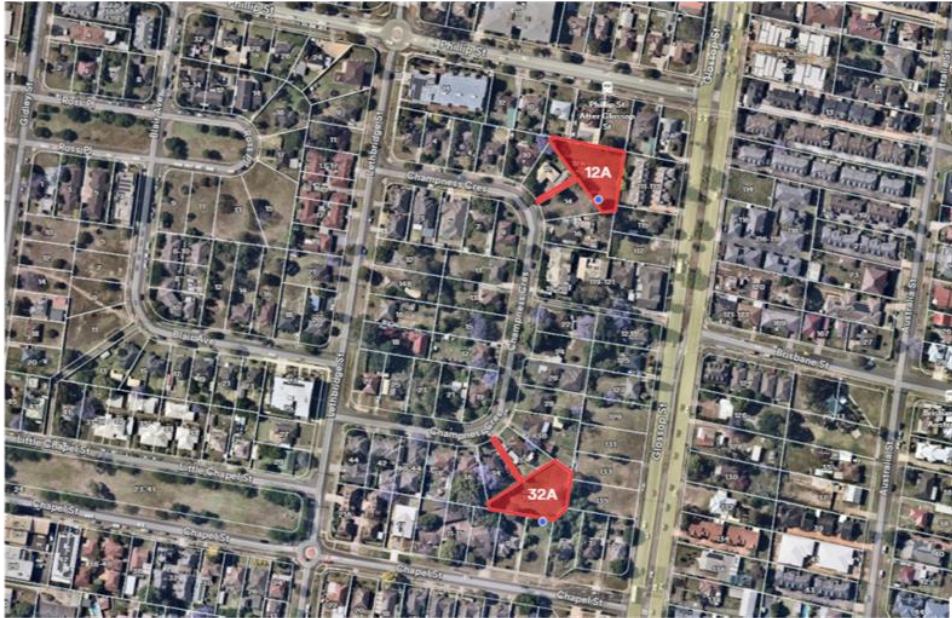
Section E – State and Commonwealth Interests

5. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Except for the required consultation with the NSW Rural Fire Service under Section 9.1 Ministerial Direction 4.3 *Planning for Bushfire Protection*, further consultation with state or federal public authorities or other government agencies is not anticipated.

Consultation has been undertaken with Homes NSW as part of the draft St Marys Master Plan. Additional consultation may be required depending on the number of submissions.

Subject Site 1 and 2 – 12A and 32A Champness Crescent, St Marys



Subject Site 3 – 110A Dunheved Circuit, St Marys



47

ZONING MAPS

Subject Site 1- Current Zone R4 High Density Residential

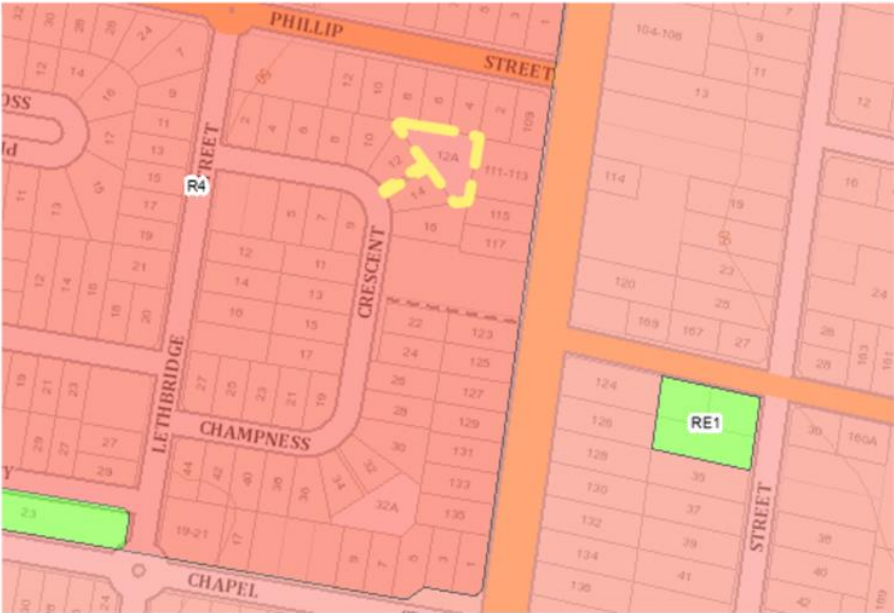


Figure 13- Site 1 Zone, Source: NSW Planning Portal Spatial Viewer Nov 2024

Subject Site 2 - Current Zone R4 High Density Residential

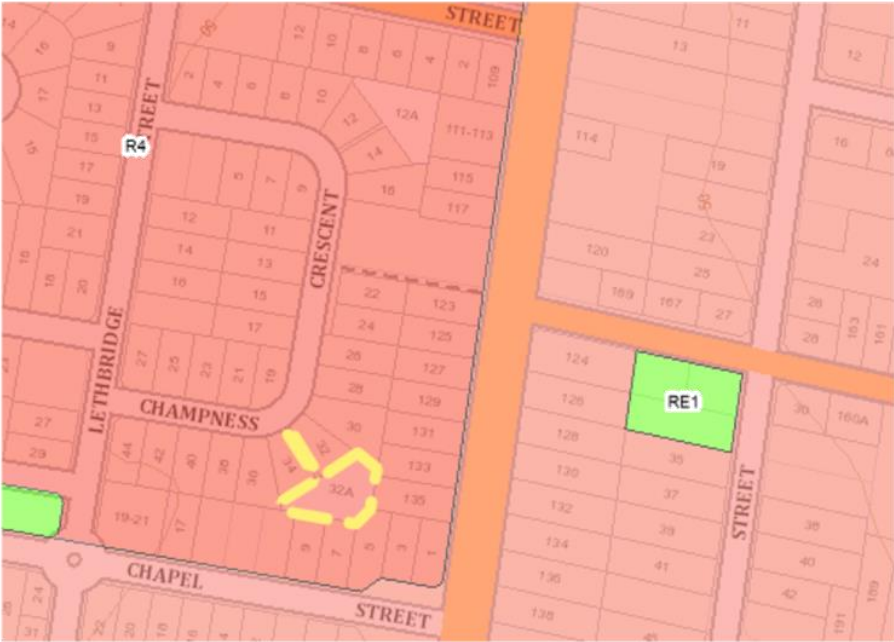
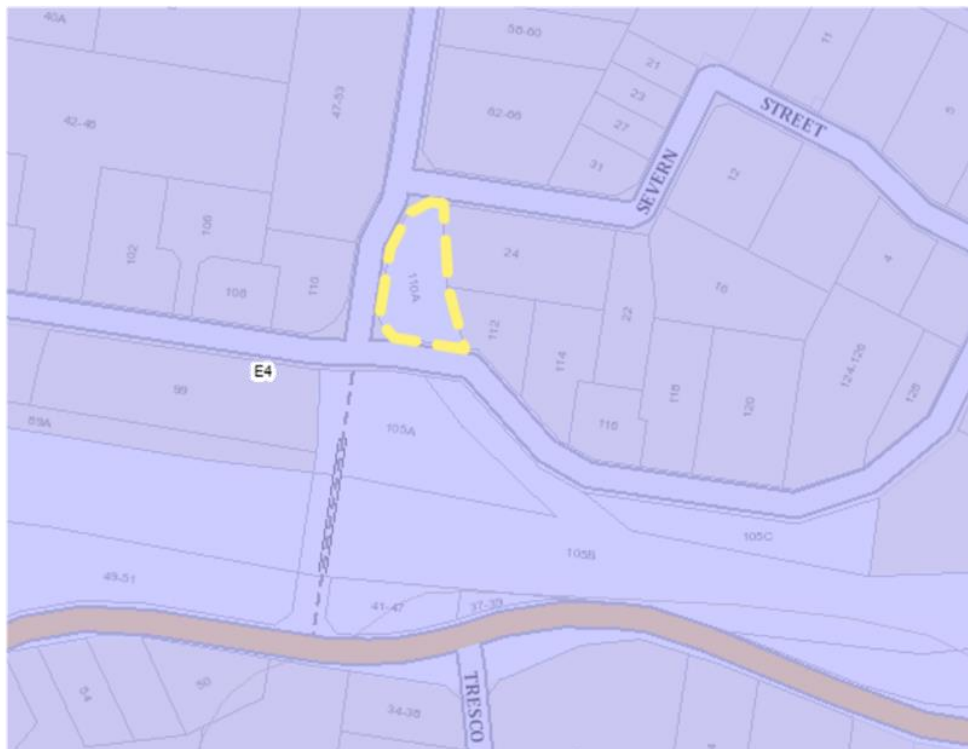


Figure 14- Site 2 Zone, NSW Planning Portal Spatial Viewer Nov 2024

Subject Site 3 - Current Zone E4 General Industrial



Part 5 – Community Consultation

Both direct and indirect community consultation has been undertaken for the subject sites of this Planning Proposal. These activities are summarised below.

Indirect consultation – St Marys Town Centre Structure Plan community engagement November 2022

Following the completion of the *Draft St Marys Town Centre Structure Plan*, Council sought input from the community and stakeholders on two (2) occasions: Stage One in February 2022 and Stage Two in April 2022. The engagement gathered over 300 responses, capturing community ideas, visions, and feedback on what should be preserved and improved.

The draft Structure Plan then went out on public exhibition for four (4) weeks over August and September 2022 with engagement through various channels including the Penrith website, letters, emails, five (5) face to face activities, social media posts and two (2) media releases. This process gathered over 320 responses, revealing strong community support for the vision for St Marys and the ten (10) place outcomes. Notably, no opposition was raised regarding the proposed repurposing of 12A and 32A Champness Crescent.

Direct consultation – Previous Planning Proposal Community Consultation September 2019

The three sites included in this Planning Proposal were previously part of a Planning Proposal (PP_2018_PENRI_008_00) submitted by Council in 2019. The 2019 proposal progressed through the Gateway process and completed a community consultation period and Public Hearing. A summary of this process is provided below.

The previous planning proposal was publicly exhibited over April and May 2019. Council advertised the public exhibition period on Council's website, the local newspaper, letters to adjoining landowners and physical displays in four (4) separate locations.

During this time, a single submission was received from Endeavour Energy, outlining details of the existing electricity network and technical requirements unrelated to the reclassification process.

Following the public exhibition period, Council advertised the Public Hearing in the local newspaper. The hearing was held in September 2019; however, no community members attended.

This new Planning Proposal will be required to undergo community consultation, with details to be confirmed by the Gateway Determination. Given this Planning Proposal also includes the reclassification of land and parcels have interests, several statutory requirements must be fulfilled during the consultation process.

The Planning Proposal will be publicly exhibited for 28 days in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and in accordance with Council's Engagement Strategy and Community Participation plan. Prior to Gateway, the Planning Proposal will be presented to the Local Planning Panel for advice. Notice of the public exhibition will be published in the local newspaper and on Council's website. Notice of the public exhibition will also be provided by a letter to the landowners and occupiers of adjoining and affected properties. Exhibition materials will be made available at Penrith's Civic Centre, Council's Queen Street Office in St Marys, and the Penrith and St Marys libraries, as well as online on Council's website.

An independently chaired public hearing will be scheduled, approximately three weeks after the close of the public exhibition. Notice of the hearing will be published in the local newspaper and on Council's website. Notification letters will also be sent to individuals or organisations that submit feedback during the public exhibition period.

Part 6 – Project Timeline

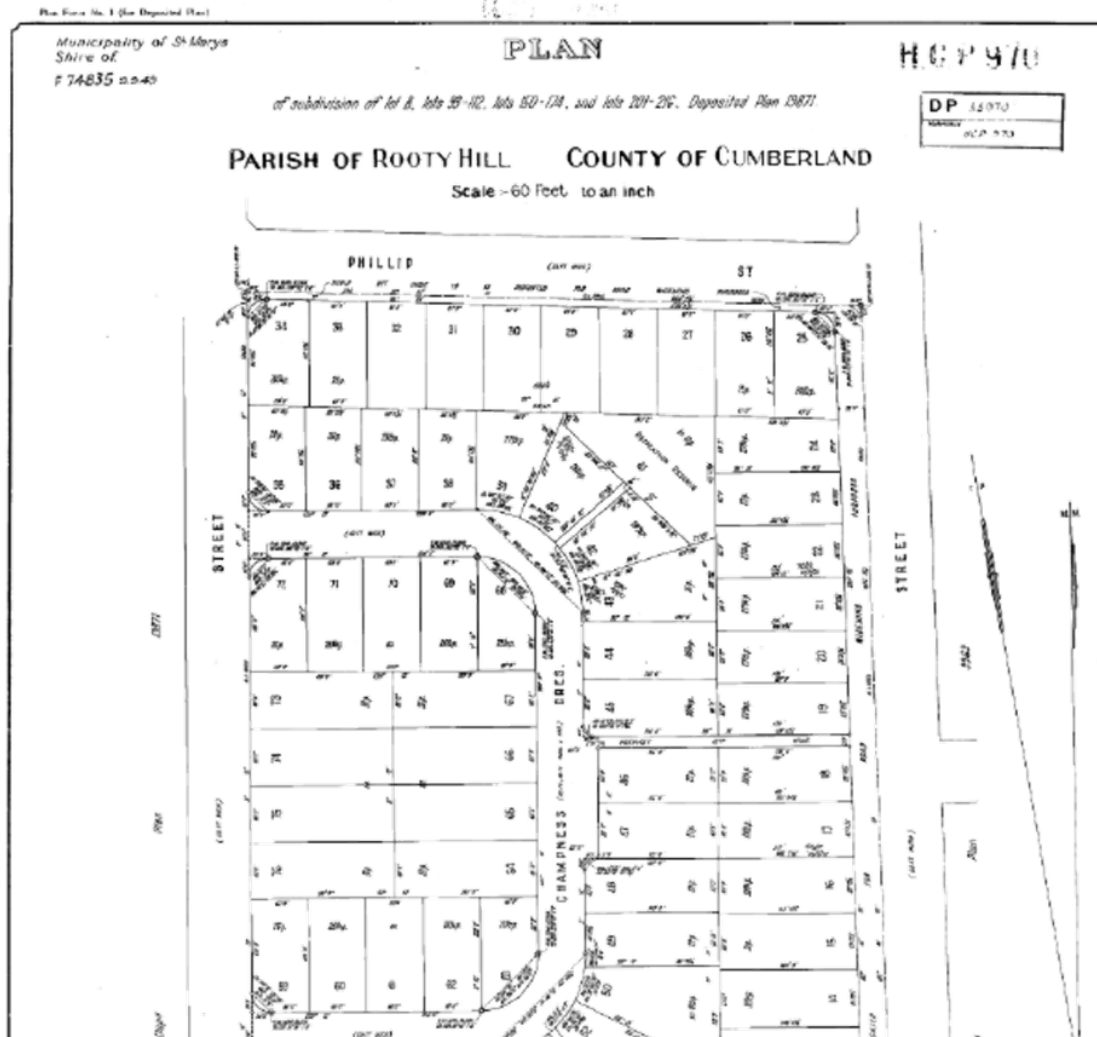
Stage	Timeframe
Consideration by council	December – January 2024
Council decision	March 2025*
Gateway determination	May 2025
Pre-exhibition	May 2025
Commencement of public exhibition period	June 2025
Completion of public hearing	August 2025
Consideration of submissions	August 2025
Post-exhibition review and additional studies	September 2025
Submission to the Department for finalisation	September 2025
Gazettal of LEP amendment	November 2025

*Noting Christmas shut down period

APPENDIX 1

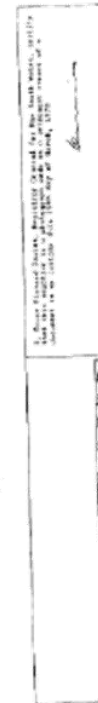
Deposited Plan 35970 & Certificates of Title Lots 41 & 51 DP 35970

Map 10315031 / Doc 109 0001970 9 / Rev: 37-031-1842 / Ref: OR OR / Ref: 12-031-2006 16.29 / Ref: ALL / Ref: 13 of 3
 Ref: 10315031 / Doc 109 0001970 9 / Rev: 37-031-1842 / Ref: OR OR / Ref: 12-031-2006 16.29 / Ref: ALL / Ref: 13 of 3



1

E-MAIL / 0679834@nifty.com
TEL / 03-5709-8282 FAX / 03-5709-8283
FAX / 03-5709-8284



2



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

POLIO: 41/35970

SEARCH DATE	TIME	EDITION NO	DATE
17/4/2018	11:17 AM	2	7/8/1991

LAND

LOT 41 IN DEPOSITED PLAN 35970
AT ST MARYS
LOCAL GOVERNMENT AREA PENRITH
PARISH OF ROOTY HILL COUNTY OF CUMBERLAND
TITLE DIAGRAM DP35970

FIRST SCHEDULE

THE COUNCIL OF THE CITY OF PENRITH

SECOND SCHEDULE (3 NOTIFICATIONS)

- * 1 THE LAND ABOVE DESCRIBED IS DEDICATED AS RESERVE FOR PUBLIC RECREATION VIDE GOVT. GA2, DATED 16.3.1962 POLIO 25
- 2 DP644218 EASEMENT TO DRAIN WATER OVER EXISTING LINE OF PIPES AFFECTING THE PART OF THE LAND ABOVE DESCRIBED SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 3 DP644218 EASEMENT TO DRAIN WATER OVER EXISTING LINE OF PIPES APPURTENANT TO THE LAND ABOVE DESCRIBED

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS POLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS POLIO.

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 17/4/2018



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 51/35970

SEARCH DATE	TIME	EDITION NO	DATE
17/4/2018	11:18 AM	2	28/10/2009

LAND

LOT 51 IN DEPOSITED PLAN 35970
AT ST MARYS
LOCAL GOVERNMENT AREA PENRITH
PARISH OF ROOTY HILL COUNTY OF CUMBERLAND
TITLE DIAGRAM DP35970

FIRST SCHEDULE

PENRITH CITY COUNCIL (R AE551920)

SECOND SCHEDULE (1 NOTIFICATION)

1 THE LAND WITHIN DESCRIBED IS PUBLIC RESERVE

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 17/4/2018

Government Gazette 16 March 1962

16 MARCH, 1962]

NEW SOUTH WALES GOVERNMENT GAZETTE No. 25

737

**NOTIFICATION OF DEDICATION AND VESTING
PURSUANT TO SECTION 6 (b) OF THE HOUSING
ACT, 1912, AS AMENDED**

LAND AT ST. MARY'S

IN pursuance of the provisions of section 6 (b) of the Housing Act, 1912, as amended, The Housing Commission of New South Wales, by this notification dedicates as reserves for public recreation all those pieces or parcels of land situate in the City of Penrith, parish of Rooty Hill and county of Cumberland, being lot 41, together with the 8 feet wide access strip between lots 40 and 42 and lot 51, together with the 8 feet wide access strip between lots 52 and 53 as shown in Housing Commission Plan No. 970, and by this notification vests such reserve in the Council of the City of Penrith. (L.A. 60-351)

Dated at Sydney, this fifth day of March, 1962.

The Common Seal of The Housing Commission of New South Wales was hereunto affixed in pursuance of a Resolution of that Commission by us and this Instrument is attested by the signatures of us who are two members of such Commission.

(L.S.)

F. W. TURNER.

PHYLLIS BURKE.

(2572)

for public recreation all those pieces or parcels of land situate in the Municipality of Blacktown, parish of Prospect and county of Cumberland, being lots G, H and 362, as shown in Housing Commission Plan No. 1,466 and by this notification vests such reserves in the Council of the Municipality of Blacktown. (L.A. 60-84)

Dated at Sydney, this fifth day of March, 1962.

The Common Seal of The Housing Commission of New South Wales was hereunto affixed in pursuance of a Resolution of that Commission by us and this Instrument is attested by the signatures of us who are two members of such Commission.

(L.S.)

F. W. TURNER.

PHYLLIS BURKE.

(2574)

**NOTIFICATION OF DEDICATION AND VESTING
PURSUANT TO SECTION 6 (b) OF THE HOUSING
ACT, 1912, AS AMENDED**

LAND AT SEAFORTH

IN pursuance of the provisions of section 6 (b) of the Housing Act, 1912, as amended, The Housing Commission of New South Wales, by this notification dedicates as a reserve for public recreation all that piece or parcel of land situate in the Municipality of Manly, parish of Manly Cove and county of Cumberland, being lot 170 as shown in Housing Commission Plan No. 1,304, and by this notification vests such reserve in the Council of the Municipality of Manly. (L.A. 55-538)

Dated at Sydney, this fifth day of March, 1962.

The Common Seal of The Housing Commission of New South Wales was hereunto affixed in pursuance of a Resolution of that Commission by us and this Instrument is attested by the signatures of us who are two members of such Commission.

(L.S.)

F. W. TURNER.

PHYLLIS BURKE.

(2573)

REAL PROPERTY ACT NOTICE

APPLICATIONS have been made to bring the undermentioned lands under the Real Property Act. Plans may be inspected and caveats lodged at the Land Titles Office Sydney until:—

24th April 1962

No. 41619 George Boree and Joseph Rebozynsky 64 a. 1 r. 31½ p. situated in Maxwell St. and Londonderry Rd. Penrith.

No. 41924 The Commercial Banking Company of Sydney Limited 2 r. 9½ p. part of allots. 8 and 91 Sec. 21 George and Phillip Sts. incl. 28 George St. Parramatta.

No. 41933 Lusteroid Investments Pty. Limited 20½ per. lots 10 and 41 and part of lots 9, 11, 40 and 42 of a subd. of lots 3 to 10 Sec. V of the Australian Agricultural Company's Subdn. Hudson St. and The Esplanade Hamilton.

No. 41960 H. F. Chambers Pty. Limited 20½ per. lot 3 Sec. M of the Australian Agricultural Company's Subdn. incl. 133, 135 and 135A Burnmount St. Hamilton.

No. 42022 John Joseph Enright and William Ramsay and Percy William Davis 184 per. part of the land taken for the Tramway from Waverley to Randwick Cowper St. Randwick.

No. 42059 B.H.P. By Products Proprietary Limited 18 a. 1 r. 39 p. part Ports. 43 and 44 Ph. South Wagga Wagga Co. Wynyard in Copland St. and on the railway line to Tumbarumba.

No. 42105 Allen Linden King and Reginald Arthur King 35½ per. part of lots 5 to 8 incl. Thurlow's Est. Maddison Lane Redfern.

No. 42339 Oyama Gardens Pty. Limited 26 per. lot 4 Oyama Est. car. Addison Rd. and Oyama Av. Manly. Together with appurtenant easement (Right of Way) created by Book 2546 No. 314.

No. 42422 Ernest George Furbank and Gwendoline Furbank 38 a. 2 r. 36½ p. part of lots 1 and 2 in M.P.S. (O.S.) 6601 Bowen Mountain Rd. Grose Vale.

J. H. WATSON, Registrar-General.

16th March 1962.

(2782)

**NOTIFICATION OF DEDICATION AND VESTING
PURSUANT TO SECTION 6 (b) OF THE HOUSING
ACT, 1912, AS AMENDED**

LAND AT SEVEN HILLS

IN pursuance of the provisions of section 6 (b) of the Housing Act, 1912, as amended, The Housing Commission of New South Wales, by this notification, dedicates as a reserve for public recreation all that piece or parcel of land situate in the Municipality of Blacktown, parish of Prospect and county of Cumberland, being lot D as shown in Housing Commission Plan No. 1,060, and by this notification vests such reserve in the Council of the Municipality of Blacktown. (L.A. 60-84)

Dated at Sydney, this fifth day of March, 1962.

The Common Seal of The Housing Commission of New South Wales was hereunto affixed in pursuance of a Resolution of that Commission by us and this Instrument is attested by the signatures of us who are two members of such Commission.

(L.S.)

F. W. TURNER.

PHYLLIS BURKE.

(2575)

**NOTIFICATION OF DEDICATION AND VESTING
PURSUANT TO SECTION 6 (b) OF THE HOUSING
ACT, 1912, AS AMENDED**

LAND AT SEVEN HILLS

IN pursuance of the provisions of section 6 (b) of the Housing Act, 1912, as amended, The Housing Commission of New South Wales, by this notification, dedicates as reserves

COMPANIES ACT, 1936 (SECTION 323 (4))

NOTICE is hereby given that at the expiration of three months from this date, the names of the companies set out below will, unless cause is shown to the contrary, be struck off the register and the company will be dissolved:—

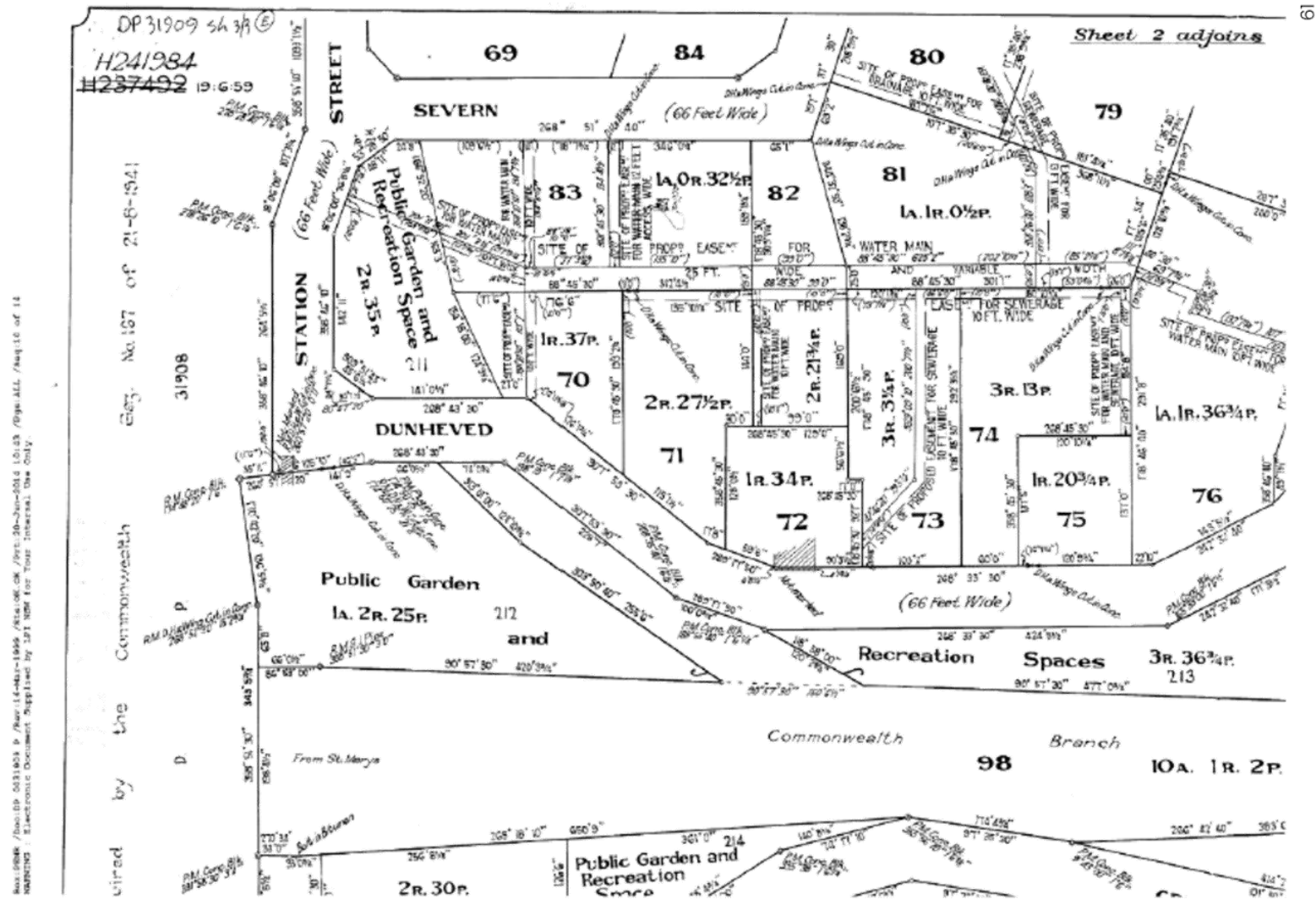
Walworth Photographics Limited, Eric V. Garbutt Pty. Limited, Katoomba Bowling and Recreation Company Limited, K. H. Dalrymple Hay Pty. Limited, James Crockett & Company Limited, J. S. Waterson Pty. Limited, Southern Associated Constructors Pty. Limited, Mount Oxide Mines Limited, Moree Electric Light Company, J. H. L. Construction Co. Pty. Limited, Illawarra Freighters Pty. Limited, Austral-Belish Insurances Limited, Pennant Hills District Golf Club Limited.

J. H. WATSON, Registrar-General.

16th March, 1962.

(2820)

**Extract from Deposited Plan 31909 &
Certificate of Title Lot 211 DP 31909**



G. 1
NEW SOUTH WALES
(For Grant and title reference prior to first edition see Deposited Plan.)

CERTIFICATE OF TITLE
REAL PROPERTY ACT, 1900, as amended.

TORRENS TITLE
Register Book
Vol. 9043 Fol. 104
1st Edition issued 30-10-1961.

I certify that the person described in the First Schedule is the registered proprietor of the undermentioned estate in the Land within described subject nevertheless to such exceptions encumbrances and interests as are shown in the Second Schedule.

Witness
J. J. J. J.
Registrar-General.

PLAN SHOWING LOCATION OF LAND

ESTATE AND LAND REFERRED TO
Estate in Fee Simple, in Lot 211 in Deposited Plan 31909 in the City of Penrith Parish of Rooty Hill and County of Cumberland.

FIRST SCHEDULE (Continued overleaf)
THE COMMONWEALTH OF AUSTRALIA:
Registrar-General.

SECOND SCHEDULE (Continued overleaf)
1. Easement No. D431274 appurtenant to the land above described affecting the site of proposed drainage easement 33 feet wide shown in the plan in Acquisition No. D431274.
2. The registered proprietor holds subject to the provisions of Section 216(1) of the Local Government Act 1919.

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR-GENERAL ARE CANCELLED.

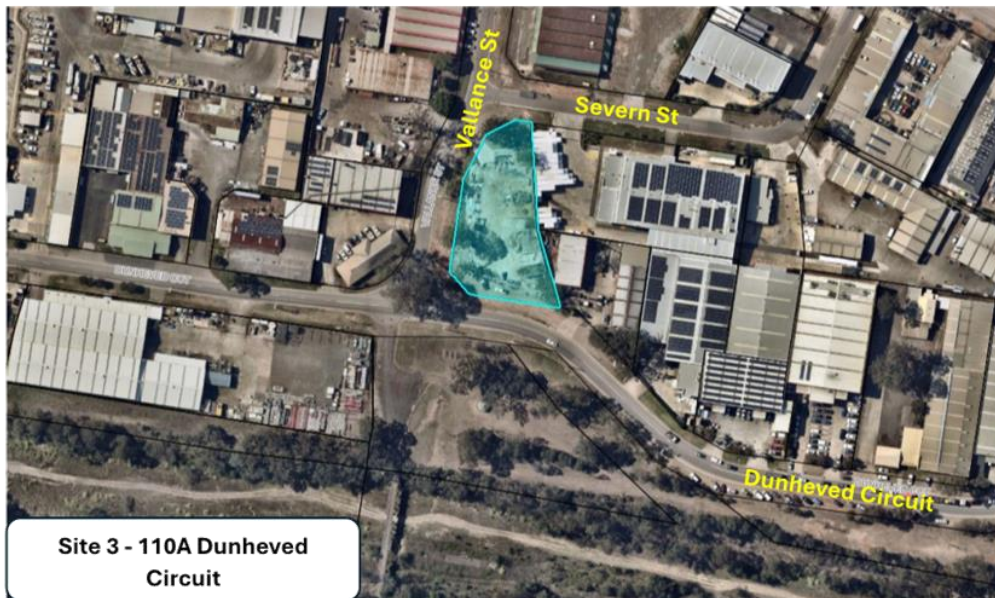
(Page 2 of 2 pages)

Aerial of all sites showing nearby open space

Figure 1: Aerial Site of 12A and 32A Champness Crescent



Figure 2: Aerial Site of 110 Dunheved Circuit





Department of Planning, Housing and Infrastructure

Mr Andrew Moore
General Manager
Penrith City Council
PO Box 60
Penrith NSW 2751

Our ref: IRF25/676

Dear Mr Moore

Planning proposal PP-2024-2610 to amend Penrith Local Environmental Plan 2010

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 11 March 2025 in respect of the planning proposal to reclassify three Council-owned sites in St Mary's from community land to operational land.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

In relation to Direction 5.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis that the planning proposal is consistent with this direction as it seeks approval from the relevant authority to reclassify land that no longer serves a public purpose. The reclassification will allow consistency with the zoning of the sites.

No further approval is required in relation to the Directions.

I have determined not to authorise Council to be the local plan-making authority under section 3.36 of the *Environmental Planning and Assessment Act 1979* as the planning proposal involves the extinguishment of interest in Council land.

The amending local environmental plan (LEP) is to be finalised on or before 27 February 2026. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Housing and Infrastructure to draft and finalise the LEP should be made twelve weeks in advance of the date the LEP is projected to be made.

Should you have any enquiries about this matter, Isabella Giraldo, Student Para-Planning Officer can be contacted on (02) 8217 2075.

Yours sincerely

A handwritten signature in black ink, appearing to read "Tina Chappell".

Tina Chappell
Director
Local Planning & Council Support (Central, West and South)

Encl: Gateway determination



Department of Planning, Housing and Infrastructure

Gateway Determination

Planning proposal (Department Ref: PP-2024-2610): to amend the Penrith Local Environmental Plan 2010 to reclassify three council-owned sites in St Marys from 'community' land to 'operational' land.

I, the Director, Local Planning & Council Support (Central, West, South) at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Penrith Local Environmental Plan 2010 to reclassify land at 12A, 32A Champness Crescent and 110A Dunheved Circuit, St Marys from 'community' land to 'operational' land should proceed subject to the following:

Given the nature of the planning proposal dealing with Council land, I have determined that authorisation not be issued for Council to act as the local plan making authority under section 3.36 of the *Environmental Planning and Assessment Act 1979* in this instance.

The LEP should be completed on or before **27 February 2026**.

Gateway Conditions

1. Prior to exhibition, the planning proposal is to be amended to revise the timeline to accord with this Gateway determination and forwarded to the Minister under s 3.34(6) of the Act.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
3. No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the Act
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 15 May 2025



Tina Chappell
Director
Local Planning & Council
Support (Central, West,
South)
Department of Planning,
Housing and
Infrastructure

Delegate of the Minister
for Planning and Public
Spaces

PP-2024-2610 (IRF25/676)

Ordinary Meeting

3 March 2025

6 Planning Proposal for the Reclassification of 3 Sites – St Marys

Compiled by: Owen Lay, Planner
Abdul Cheema, City Planning Coordinator

Authorised by: Christine Gough, Head of City Planning
Andrew Jackson, Director Planning and Regulatory Services

Outcome	<i>We plan and shape our growing City</i>
Strategy	<i>Undertake strategic planning that will ensure balanced growth and liveability</i>
Principal Activity	<i>Facilitate appropriate land use outcomes for our city that are consistent with our Local Strategic Planning Statement</i>

Previous Items: Planning Proposal for the Reclassification of 3 Sites – St Marys-
Councillor Briefing- 17 Feb 2025 At the conclusion of the Policy
Review Committee Meeting

Procedural note: Section 375A of the Local Government Act 1993 requires that a division be called in relation to this matter.

Executive Summary

Council has initiated a Planning Proposal that seeks to amend the Penrith Local Environmental Plan 2010 (LEP 2010) to reclassify three (3) Council owned sites, from Community land to Operational land and remove the public reserve status for all sites.

The aim of this is to align these sites with the current zone objectives of the land and assist Council to meet its strategic goals of urban revitalisation, economic development, delivering housing supply and employment. This Planning Proposal will also contribute to the outcomes of the draft St Marys Town Centre Masterplan which has rationalised open space in the locality.

The intended outcomes of this Planning Proposal include:

- Facilitate the implementation of the draft St Marys Town Centre Masterplan by contributing to economic growth and urban revitalisation;
- Enable Council to consider the future use of the land in line with existing zones; and
- Facilitate the delivery of future uses for the sites, including development, disposal or amalgamation with adjacent properties.

Background

The Planning Proposal relates to three (3) Council owned sites that are currently classified as Community Land:

- **Site 1** - 12A Champness Crescent, St Marys
- **Site 2** - 32A Champness Crescent, St Marys
- **Site 3** - 110A Dunheved Circuit, St Marys

A map showing the above listed sites is provided as Attachment 1 to this report.

Ordinary Meeting

3 March 2025

All public land is managed under the Local Government Act 1993 based on its classification and must be classified as either Community or Operational land.

Community land is land that Council makes available for use by the general public, for example, parks, reserves or sports grounds. Community land must not be sold, exchanged or otherwise disposed of by a council.

Operational land is land which facilitates the functions of Council and may not be open to the general public. There are no special restrictions on Council powers to manage, develop, dispose or change the nature and use of Operational land.

The aim of this Planning Proposal is to reclassify all three sites to Operational Land to enable the strategic management and the activation of these sites with an aim of urban revitalisation, economic development, delivering affordable housing and local employment.

Reclassification of Sites 1 and 2 will enable these sites to achieve the outcomes of the draft St Marys Town Centre Masterplan. Reclassification of Site 3 will align with Council's Employment Lands Strategy and the principle to retain and manage existing employment land.

Planning Proposal – Proposed amendments

The Planning Proposal is provided at Attachment 2 to this report. The Planning Proposal seeks to amend *Schedule 4 Classification and Reclassification of Public Land of Penrith LEP 2010 under Part 2 Land classified or reclassified, as operational – interests changed by* inserting the following information:

Insert into Column 1 – Locality	Insert into Column 2 – Description	Insert into Column 3 – Any trusts etc. not discharged
12A Champness Crescent, St Marys	Lot 41 DP 35970, identified as "Operational Land"	Easement to drain water over existing line of pipes affecting the part of the land shown so burdened in DP 644218, as noted on Certificate of Title Folio Identifier 41/35970.
32A Champness Crescent, St Marys	Lot 51 DP 35970 identified as "Operational Land"	Nil
Lot 110A Dunheved Circuit, St Marys	Lot 211 DP31909 identified as "Operational Land"	Easement for water main affecting the part of the land shown so burdened in DP 31909 as noted on Certificate of Title Folio Identifier 9043/104

Ordinary Meeting

3 March 2025

In addition to the reclassification, the Planning Proposal seeks to remove the public reserve status of the sites and to remove any interest or trust relating to the land being a public reserve.

Site Specific Merit

Sites 1 and 2 – (12A and 32A Champness Crescent, St Marys)

These sites are zoned R4 High Density Residential and located near the St Marys Town Centre. The sites are vacant, battle-axe lots, accessed via narrow laneways off Champness Crescent. The sites are in close proximity to nearby transport and employment hubs and affordable housing providers.

An Operational land classification enables Council to consider the future of the land in line with the existing zoning and the draft St Marys Town Centre Masterplan. This may include development, disposal or consolidation with adjoining land. The removal of the public reserve status is appropriate as the sites serve no public recreation purpose and there are currently three council owned parks within the proximity of 400m. The St Marys Master Plan also provides a consolidated and planned network of open spaces to support the reclassification.

Both sites are currently unusable and surrounded by rear gardens of neighbouring properties. The only access is through a narrow laneway between two other properties.

The unusable state of these spaces is a potential for anti-social activities and illegal dumping of rubbish. It is currently a maintenance burden on council with no benefit or use for the community.

Site 3 – (110A Dunheved Circuit, St Marys)

This site is zoned E4 General Industrial and is located within an existing industrial estate. The site is near the Outer Sydney Orbital corridor. Council has entered a short-term lease for the site, and it is currently used as a site compound to support public utility works.

Prior to the lease, the site was vacant and served no recreational purpose. The removal of the public reserve status is appropriate as the site is located within the Dunheved Business Park, with another open space area located nearby on the corner of Kommer Place and Dunheved Circuit. Reclassification of the site will enable Council to consider the future uses of the site in line with the existing zone.

The proposed amendments to the three sites are supported by Council's local strategic framework as follows:

Local Strategic Planning Statement

The relevant Planning Priorities in the Local Strategic Planning Statement are:

- Planning Priority 3: Provide new homes to meet the diverse needs of our growing community.

Ordinary Meeting

3 March 2025

- Planning Priority 5: Facilitate sustainable housing.
- Planning Priority 12: Enhance and grow Penrith's Economic Triangle.

Reclassifying sites 1 and 2 will enable Council to provide more residential land in the area to achieve its housing supply targets in an existing neighbourhood and provide an opportunity for more diverse housing in the St Marys area.

Reclassifying site 3 will contribute to the delivery of more local jobs and services close to home as it is located within Penrith's Economic Triangle. It will also assist Council in the retention and management of its existing industrial lands.

Employment Lands Strategy (ELS)

The relevant action in Council's Employment Lands Strategy is:

- Direction 3 – Build on our strengths and facilitate new enterprises.

The reclassification is consistent with Direction 3 as it enables an outcome where site 3 can facilitate local business growth and support the creation of diverse employment opportunities for the LGA. Noting that there is a growing demand in the St Marys industrial area for smaller lots to support the establishment and expansion of its local industries.

The reclassification of site 3 will facilitate industrial and employment opportunities in the E4 General Industrial zone and is consistent with the principles to retain and manage its existing industrial / employment lands as identified in the Greater Sydney Region Plan, Western City District Plan, LSPS and Employment Lands Strategy.

Draft St Marys Town Centre Master Plan (2024)

Sites 1 and 2 are identified in the draft St Marys Town Centre Masterplan as part of the new Ridgetop Living precinct. The desired outcome is for a vibrant high density living area, within a short walk to nearby transportation, services and employment opportunities.

The opportunities that arise from the reclassification of sites 1 and 2 include the ability for the sites to be amalgamated with adjoining lots, ideally owned by Homes NSW, to allow for more integrated redevelopment of affordable housing and to help offset lots, also owned by Homes NSW, for the delivery of an expanded and enhanced Ross Park nearby..

The draft St Marys Town Centre Master Plan indicates that there will be no loss of public recreation space, instead a new local park at Ross Place will be created and existing parks will be further enhanced.

Local Planning Panel Advice

On 22 January 2025, the Planning Proposal was presented to the Local Planning Panel to obtain advice. The Panel supported the Planning Proposal considering that it was consistent with the Greater Sydney Region Plan; the Western City District Plan; the draft St Marys Master Plan; the Local Strategic Planning Statement; and Employment Lands Strategy.

Ordinary Meeting

3 March 2025

The Panel also agreed that the Planning Proposal will assist Council in the urban revitalisation, economic development, providing affordable housing and housing supply and fostering local employment through the reclassification of Community Land to Operational Land.

The Panel recommended that the Planning Proposal be progressed through the Gateway process. The Local Planning Panel's advice is provided as Attachment 3.

Financial Implications

There are no financial implications for Council associated with this report.

Risk Implications

There is no risk implications for Council associated with this report.

Conclusion

Council has initiated a Planning Proposal that seeks to amend Schedule 4 of the Penrith LEP 2010 to reclassify three sites in St Marys from Community Land to Operational Land and remove any public reserve status. The Planning Proposal is consistent with both the local and state strategic planning framework and will assist Council with the strategic management of the land. The Planning Proposal does not seek to rezone any of the sites or vary any development standard affecting the sites.

RECOMMENDATION

That:

1. The information contained in the report on Planning Proposal for the Reclassification of 3 Sites – St Marys be received.
2. Council endorse the Planning Proposal provided as Attachment 2 to proceed through the Department of Planning, Housing and Infrastructure's Gateway process for Local Environmental Plan amendments.
3. Council officers forward the Planning Proposal to the Minister for Planning with a request to issue a Gateway Determination.
4. The General Manager be granted delegation to make any necessary changes to the Planning Proposal referred to in resolution 2:
 - prior to Council's submission of the Planning Proposal to the Minister for Planning to request a Gateway Determination;
 - as a result of negotiated changes sought by the Department of Planning, Housing and Infrastructure in the lead up to issuing a Gateway Determination; and
 - prior to public exhibition in response to the conditions of the Gateway Determination or negotiation with State agencies.
5. Council publicly exhibits the Planning Proposal for a period specified in the Gateway Determination and in accordance with the community consultation

Ordinary Meeting

Monday 3 March 2025

For

Against

Councillor Todd Carney
Councillor Ross Fowler OAM
Councillor Libby Austin
Councillor Kirstie Boerst
Councillor Robin Cook
Councillor Glenn Gardiner
Councillor Sabbie Kaur
Councillor Hollie McLean
Councillor John Thain
Councillor Edwin Mifsud
Councillor Reece Nuttall
Councillor Vanessa Pollak
Councillor Faithe Skinner
Councillor Garion Thain

6 Planning Proposal for the Reclassification of 3 Sites – St Marys

42 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Garion Thain

That:

1. The information contained in the report on Planning Proposal for the Reclassification of 3 Sites – St Marys be received.
2. Council endorse the Planning Proposal provided as Attachment 2 to proceed through the Department of Planning, Housing and Infrastructure's Gateway process for Local Environmental Plan amendments.
3. Council officers forward the Planning Proposal to the Minister for Planning with a request to issue a Gateway Determination.
4. The General Manager be granted delegation to make any necessary changes to the Planning Proposal referred to in resolution 2:
 - prior to Council's submission of the Planning Proposal to the Minister for Planning to request a Gateway Determination;
 - as a result of negotiated changes sought by the Department of Planning, Housing and Infrastructure in the lead up to issuing a Gateway Determination; and
 - prior to public exhibition in response to the conditions of the Gateway Determination or negotiation with State agencies.
5. Council publicly exhibits the Planning Proposal for a period specified in the Gateway Determination and in accordance with the community consultation requirements of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.

This is Page No 6 of the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held remotely using audio visual links, audio streamed on the Council website and in the Council Chambers on Monday 3 March 2025

Ordinary Meeting

Monday 3 March 2025

6. An independently chaired public hearing is held regarding the land reclassification aspects of the Planning Proposal, in accordance with the requirements of the Environmental Planning and Assessment Act 1979.
7. A further report be presented to Council following the public exhibition and public hearing.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For

Against

Councillor Todd Carney
Councillor Ross Fowler OAM
Councillor Libby Austin
Councillors Kirstie Boerst
Councillor Robin Cook
Councillor Glenn Gardiner
Councillor Sabbie Kaur
Councillor Hollie McLean
Councillor John Thain
Councillor Edwin Mifsud
Councillor Reece Nuttall
Councillor Vanessa Pollak
Councillor Faithe Skinner
Councillor Garion Thain

Having previously declared a Non-Pecuniary Conflict of Interest – Less than Significant in Item 7, Councillor Hollie McLean left the room, the time being 7:39pm.

7 Advocacy Strategy 2025

43 RESOLVED on the MOTION of Councillor Reece Nuttall seconded Councillor Garion Thain

That:

1. The information contained in the report on Advocacy Strategy 2025 be received.
2. Council endorse the Advocacy Strategy 2025 located at Attachment 1.
3. The Advocacy Strategy 2025 be made available on Council's website.
4. Council delegates authority to the General Manager to make typographical changes to Advocacy Strategy 2025 as required.

Councillor Hollie McLean returned to the meeting, the time being 7:40pm

OUTCOME 4 - WE MANAGE AND IMPROVE OUR BUILT ENVIRONMENT

Procedural Motion

44 RESOLVED on the MOTION of Councillor Reece Nuttall seconded Councillor Faithe Skinner that pursuant to Clause 4.3 of the Code of Meeting Practice, to allow Mr Don Barnes to address the meeting, should he wish to do so.

This is Page No 7 of the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held remotely using audio visual links, audio streamed on the Council website and in the Council Chambers on Monday 3 March 2025

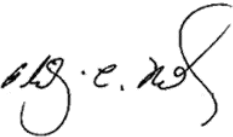
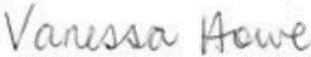
January 22, 2025
 Penrith Local Planning Panel Advice

January 22, 2025

Panel Advice provided pursuant to Section 2.19 of the EP&A Act 1979

The Panel has considered the Planning Proposal and the preliminary assessment prepared by Council officers and provides the following advice:

1. The Planning Proposal is generally supported for the following reasons:
 - a. The Planning Proposal is consistent with the Greater Sydney Region Plan and Western City District Plan.
 - b. The Planning Proposal is consistent with the draft St Marys Master Plan, Local Strategic Planning Statement and Employment Lands Strategy.
 - c. The Planning Proposal will assist Council in urban revitalisation, economic development, providing affordable housing and housing supply and fostering local employment through the reclassification of Community Land to Operational Land for these sites.
2. It is recommended that the Planning Proposal be progressed through the Gateway process.

Donna Rygate – Chair 	Philip North - Expert 
Chris Young- Expert 	Vanessa Howe – Community Representative 



Department of Planning, Housing and Infrastructure

Mr Andrew Moore
General Manager
Penrith City Council
PO Box 60
Penrith NSW 2751

Our ref: IRF25/676

Dear Mr Moore

Planning proposal PP-2024-2610 to amend Penrith Local Environmental Plan 2010

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 11 March 2025 in respect of the planning proposal to reclassify three Council-owned sites in St Mary's from community land to operational land.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

In relation to Direction 5.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis that the planning proposal is consistent with this direction as it seeks approval from the relevant authority to reclassify land that no longer serves a public purpose. The reclassification will allow consistency with the zoning of the sites.

No further approval is required in relation to the Directions.

I have determined not to authorise Council to be the local plan-making authority under section 3.36 of the *Environmental Planning and Assessment Act 1979* as the planning proposal involves the extinguishment of interest in Council land.

The amending local environmental plan (LEP) is to be finalised on or before 27 February 2026. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Housing and Infrastructure to draft and finalise the LEP should be made twelve weeks in advance of the date the LEP is projected to be made.

Should you have any enquiries about this matter, Isabella Giraldo, Student Para-Planning Officer can be contacted on (02) 8217 2075.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tina Chappell'.

Tina Chappell
Director
Local Planning & Council Support (Central, West and South)

Encl: Gateway determination



Department of Planning, Housing and Infrastructure

Gateway Determination

Planning proposal (Department Ref: PP-2024-2610): to amend the Penrith Local Environmental Plan 2010 to reclassify three council-owned sites in St Marys from 'community' land to 'operational' land.

I, the Director, Local Planning & Council Support (Central, West, South) at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Penrith Local Environmental Plan 2010 to reclassify land at 12A, 32A Champness Crescent and 110A Dunheved Circuit, St Marys from 'community' land to 'operational' land should proceed subject to the following:

Given the nature of the planning proposal dealing with Council land, I have determined that authorisation not be issued for Council to act as the local plan making authority under section 3.36 of the *Environmental Planning and Assessment Act 1979* in this instance.

The LEP should be completed on or before **27 February 2026**.

Gateway Conditions

1. Prior to exhibition, the planning proposal is to be amended to revise the timeline to accord with this Gateway determination and forwarded to the Minister under s 3.34(6) of the Act.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
3. No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the Act
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 15 May 2025



Tina Chappell
Director
Local Planning & Council
Support (Central, West,
South)
Department of Planning,
Housing and
Infrastructure

Delegate of the Minister
for Planning and Public
Spaces

PP-2024-2610 (IRF25/676)

Engagement Outcomes Report

Reclassification of land in St Marys

Penrith City Council

27 August 2025



The APP Group
A Bureau Veritas Company



Amendment, Distribution & Authorisation Record

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This report has been prepared in accordance with our quality control system.

The report is a preliminary draft unless it is signed below.

Document	Revision	Prepared By	Reviewed By	Date
Engagement Outcomes Report	Draft	Julia Dungca Assistant Planner	Mitchell Brown Business Leader, Planning	20/08/2025
Engagement Outcomes Report	Draft V2	Julia Dungca Assistant Planner	Mitchell Brown Business Leader, Planning	22/08/2025
Final Engagement Outcomes Report	Final	Julia Dungca Assistant Planner	Josh Owen General Manager – Advisory and Planning	27/08/2025



Engagement Outcomes Report

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1. Introduction

1.1. Purpose

This report has been prepared by The APP Group to document and provide a record of written submissions and, verbal submissions at the public hearing regarding the Planning Proposal (PP-2024-2610) for the reclassification of land with the Penrith Local Government Area. The proposal involves the reclassification of three (3) sites in St Marys from Community Land to Operational Land.

1.2. Background

Penrith City Council owns three land parcels currently classified as Community Land under the Local Government Act 1993. These are identified in Table 1 below.

Table 1. Site Identification

Site	Address	Legal Description	Zoning
1	12A Champness Crescent St Marys	Lot 41 DP 35970	R4 High Density Residential
2	32A Champness Crescent St Marys	Lot 51 DP 35970	R4 High Density Residential
3	110A Dunheved Circuit St Marys	Lot 211 DP 31909	E4 General Industrial

Council has submitted a Planning Proposal to reclassify these sites as Operational Land. Further details of the Planning Proposal are provided in **Section 2.4** of this report.



2. Subject Land and Planning Proposal

2.1. Site 1

Site 1 is legally described as Lot 41 in DP 35970, known as 12A Champness Crescent, St Marys. The site is currently zoned R4 High Density Residential under the Penrith Local Environmental Plan 2010 (Penrith LEP 2010). It is a vacant, battle-axe shaped lot, used as a public reserve with a site area of approximately 1315m².



Figure 1. Site 1 – 12A Champness Crescent (Nearmap, 2025)



2.2. Site 2

Site 2 is legally described as Lot 51 in DP 35970, known as 32A Champness Crescent, St Marys. The site is currently zoned R4 High Density Residential under the Penrith LEP 2010. It is also a vacant, battle-axe shaped lot, used as a public reserve with a site area of approximately 1289m².



Figure 2. Site 2 – 32A Champness Crescent (Nearmap, 2025)

Sites 1 and 2 were dedicated to Council by the Housing Commission of NSW for public recreation in 1961. Both sites are identified in the St Marys Town Centre Master Plan, located within the Ridgetop Living Precinct, an area zoned for high density residential development up to eight storeys. This precinct is expected to contribute to housing supply in a vibrant, high density residential area situated within a short walk to transport, essential services, employment opportunities and a range of hospitality and shopping options.



2.3. Site 3

Site 3 is legally described as Lot 211 in DP 31909, known as 110A Dunheved Circuit, St Marys, located inside Dunheved Business Park. The site is currently zoned E4 General Industrial under the Penrith LEP 2010 and has a site area of approximately 2909m². Site 3 was registered as 'Public Garden and Recreation Space' by the Commonwealth in 1961 before being transferred to Council in 1967. It is currently used as a site compound by Sydney Water to support public utility works.



Figure 3. Site 3 – 110A Dunheved Circuit (Nearmap, 2025)



2.4. Planning Proposal and Exhibition Process

The three sites are subject to a Planning Proposal (PP/2024/2610) that seeks to amend the Penrith LEP 2010 to reclassify the land from Community to Operational.

The objectives of the Planning Proposal are:

- *To enable Council to consider the future use of the land in line with the existing zones*
- *Facilitate the delivery of future uses for the land including development, disposal, or amalgamation with adjacent properties.*
- *Facilitate the implementation of the Draft St Marys Town Centre Masterplan by contributing to economic growth and revitalisation.*
- *Remove the Public Reserve status for the sites and to remove any interest or trust relating to the land being a public reserve.*

The planning proposal formally seeks to amend Schedule 4 of the Penrith LEP 2010, Part 2 to include the sites as Operational Lands. By extension, it also seeks to formally remove the Public Reserve Status and remove any interest or trust relating to the land being a public reserve.

The amendments are consistent with Penrith Councils wider strategic objectives and will facilitate implementation of the St Marys Town Centre Master Plan and Council Employment Lands Strategy.

Gateway determination for the Planning Proposal was issued on 15 May 2025. It was exhibited from Thursday 5 June to Monday 7 July 2025 in accordance with the minimum requirements of the Environmental Planning and Assessment Act 1979 and Council's Engagement Strategy and Community Participation Plan. The letter sent to owners and occupiers of neighbouring properties is attached in **Appendix B**.

Two written submissions were received during public exhibition, which are attached in **Appendix C**.



3. Public Hearing

3.1. Overview

As the Planning Proposal involves reclassification of public land, a public hearing was held in accordance with Section 29 and 47G of the Local Government Act 1993. This was conducted by independent chairperson, Josh Owen of The APP Group.

Council gave notification of the public hearing for 21 days after the end of the public exhibition period in accordance with the Local Government Act 1993. This included a notice on the Council website, a local newspaper advertisement and letters addressed to individuals or organisations that made a submission during public exhibition. Interested parties were invited to register to speak ahead of the hearing. The public hearing was held in Penrith City Library at 601 High Street Penrith on 18 August 2025 from 5.00 to 6.20pm.

3.2. The APP Group Staff Present

The following staff from The APP Group were present at the hearing:

- ▶ Josh Owen (Independent Chairperson), General Manager of Planning and Advisory
- ▶ Mitch Brown, Business Leader of Planning
- ▶ Julia Dungca, Assistant Planner

3.3. Council Staff Present

The following Council staff were present at the hearing:

- ▶ Brooke Levingston, Acting City Planning Coordinator
- ▶ Owen Lay, Planner

No councillors were present.

3.4. Hearing Format

The independent chair delivered a presentation on the proposed reclassification. A copy of the PowerPoint Presentation is included as **Appendix A**.

The format of the hearing was as follows:

- ▶ Acknowledgement of Country
- ▶ Introduction by the Independent Chairperson
- ▶ Overview of the Planning Proposal and strategic context
- ▶ Overview of the land subject to reclassification
- ▶ Oral submissions by speakers
- ▶ Discussion
- ▶ Overview of next steps
- ▶ Close of hearing



Two members of the public attended the hearing and made an oral submission in addition to their written submissions.

3.5. Submissions

3.5.1. Written Submissions

Submission 1.

Submitter 1 provided a written submission regarding the proposed reclassification of the sites. The written submission regarding the proposed reclassification of the sites, and responses are summarised in Table 2 below:

Table 2. Submission 1 Summary and Responses

Submission Summary	Response
Concern regarding potential high-density development on Site 1 and amenity impacts on their property including overshadowing and visual privacy.	The Planning Proposal does not propose any development on the sites. Future development must be endorsed by Council by way of a Development Application process, and other Council processes such as a business case, all of which will involve an assessment of potential impacts on neighbouring properties.
Concern that potential high-density development will increase demand on local infrastructure including roads, on-street parking and drainage.	As above, any future development on this site is subject to separate process which will assess the impact on services and infrastructure and identify the need for any upgrades.
Concern regarding the reduction and lack of preservation of green (open) space in the area.	The residents in proximity to Site 1 and 2 are well-served by other open space in the locality with more suitable access and facilities.
Council should reconsider reclassification of Site 1 and explore alternative locations for densification.	Reclassification of the land will enable future development and delivery of Council's strategic vision of high-density residential development as outlined in the St Marys Town Centre Master Plan. However, there is currently no plans for future development, or divestment.



Submission 2.

Submitter 2's written submission regarding the proposed reclassification of the sites, and responses are summarised in Table 3 below:

Table 3. Submission 2 Summary and Responses

Submission Summary	Response
Support for the Planning Proposal, noting the positive economic impact.	Reclassification of the land will enable development and delivery of Council's strategic vision of high-density residential development and employment generating land within the respective areas as outlined in the St Marys Town Centre Master Plan. This will contribute to broader goals of housing supply and affordability.

3.5.2. Oral Submissions

Submitters 1 and 2 also attended the public hearing and gave oral submissions that were recorded by APP staff.

Submission 1.

Submitter 1 attended the meeting to seek clarification on the outcomes of the public hearing and process regarding the reclassification of the sites. Submitter 1 was satisfied with the response provided by the independent chairperson. The oral submission regarding the proposed reclassification of the sites, and responses are summarised in Table 4 below:

Table 4. Submission 3 Summary and Responses

Submission Summary	Response
Inquiry about future development planned for Site 1 and the expected timeframe for uplift.	St Marys Metro is identified as a Transport Oriented Development (TOD) Precinct with plans for densification in accordance with the St Marys Town Centre Masterplan. It is considered that site amalgamation would be required facilitate this uplift on the site. The timing of uplift is dependent on surrounding infrastructure and market forces, however this process typically takes years. Future use of the site has not been determined at this stage. The Planning Proposal is solely for reclassification of the sites and removal of Public Reserve status. If endorsed by Council, the proposal still requires final approval for the State Government.



Submission Summary	Response
	Council's Property team are taking carriage of the project and will investigate next steps. Divestment and/or future development are options if the land is reclassified to Operational Land. These options require a separate process including further community consultation and endorsement by Council to proceed.
<i>Proposed uplift is beneficial for the community.</i>	The building typologies proposed for this area in the St Marys Town Centre Master Plan are anticipated to support housing supply and affordability.
<i>Council should retain existing access to Site 1 via the rear gates of 111 Glossop Street for residents.</i>	Existing access to adjoining properties will be retained as no works have been planned for the site.

Submission 2.

Submitter 2's oral submission is summarised as follows:

Table 5. Submission 4 Summary and Responses

Submission Summary	Response
<i>Interest in the development potential of Site 1 and purchase of the land.</i>	Plans for divestment have not been determined at this stage, though amalgamation of Site 1 with adjacent sites is consistent with the St Marys Town Centre Master Plan and strategic objectives to increase housing supply through redevelopment of this area.
<i>Concern regarding suitability of the site for us as a public open space due to existing visibility and access constraints.</i>	Council staff agreed that the site characteristics, including the narrow access path and limited street frontage, hinder its use as a public open space.
<i>Concern regarding Council's obligation to continue maintenance of an underused asset.</i>	Council has an obligation to maintain the asset regardless of the classification.



4. Recommendations

All submissions received, both written and oral, throughout the public exhibition and public hearing were reviewed. The submissions were generally supportive of the proposed reclassification of these sites, as the concerns within the written objection were clarified by Council and the independent chairperson during the public hearing. The APP Group recommends proceeding with the Planning Proposal as there are no outstanding issues or items to be addressed following the public hearing.

5. Conclusion and Next Steps

Two written submissions were made during the public exhibition process for Planning Proposal PP-2024-2610 and two oral submissions were made at the subsequent public hearing. All concerns raised by the public have been addressed in the public hearing, and in this report.

This report will be submitted to Council for consideration and made available to the public in accordance with Section 47G of the Local Government Act 1993.

Appendix A

Public Hearing Presentation



The APP Group
A Bureau Veritas Company

Public Hearing for Reclassification of (3) Sites in St Marys

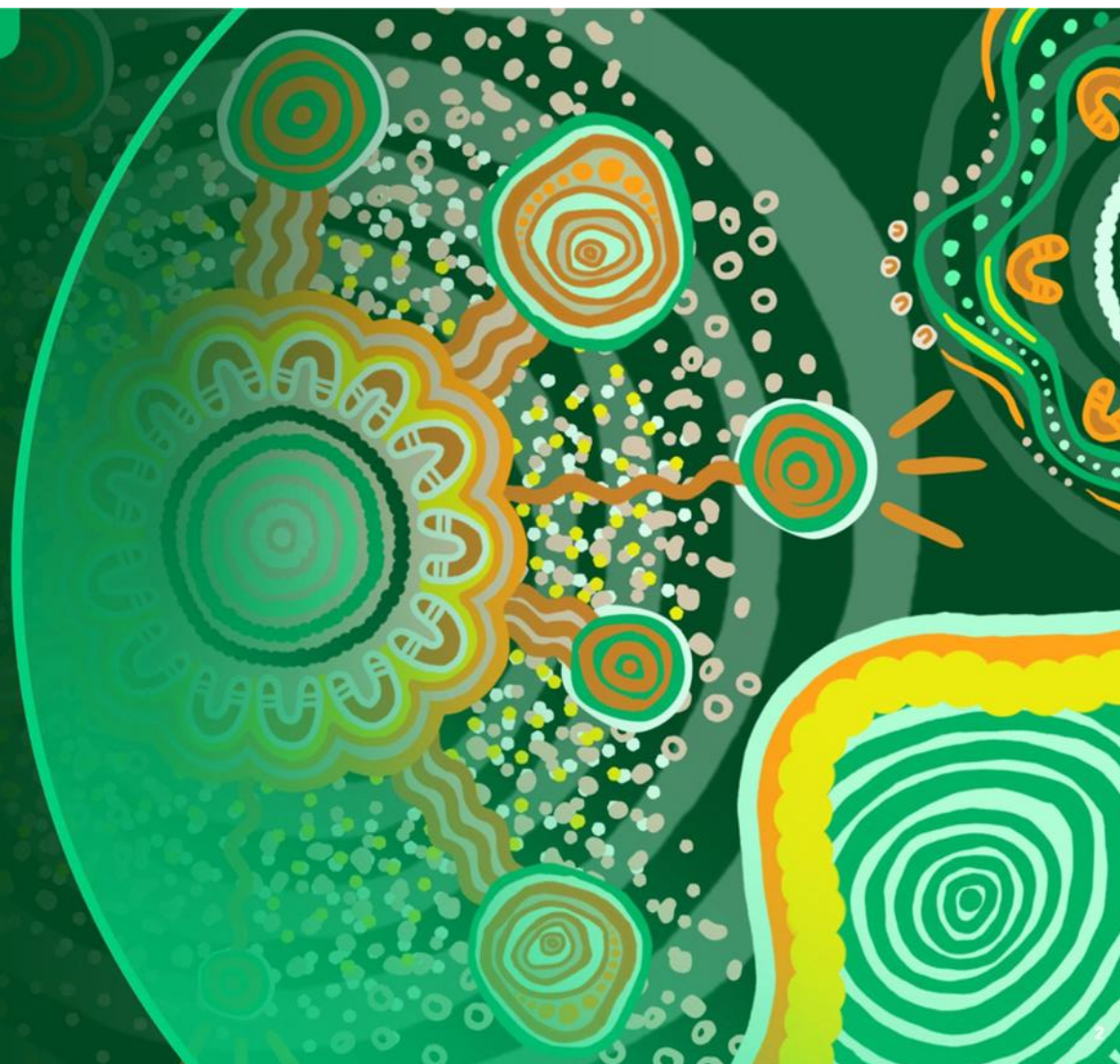
The APP Group

18/8/2025

The APP Group respectfully
acknowledges the Traditional
Custodians of the lands
where we work and learn.

We pay our respect to Elders,
past and present.

Artwork by Artwork by Emhran Sultan,
Western Arrarnta, Luritja and Kokatha Artist,
Commissioned by The APP Group



Independent Chairperson Josh Owen

About Me:

- General Manager of APP's Advisory & Planning Team
- 20 years of experience as a qualified town planner and development expert
- Bachelors Degree in Planning with Class 1 Hons, UNSW
- Committee member of UDIA
- Currently hold an Assistant Agency Real Estate Licence in NSW



Overview

A Planning Proposal (PP-2024/2610) has been submitted by Council’s Strategic Planners to reclassify 3 sites in St Marys from Community Land to Operational Land.

	Address	Legal Description
Site 1	12A Champness Crescent, St Marys	Lot 41 DP 35970
Site 2	32A Champness Crescent, St Marys	Lot 51 DP 35970
Site 3	110A Dunheved Circuit, St Marys	Lot 211 DP 31909



Community v Operational Land Classification

- **Community land** is land is available for use by the general public, for example, parks, reserves or sports grounds. Community land must not be sold, exchanged or otherwise disposed of by a Council. There are restrictions on granting leases and the way the land can be used.
- **Operational land** facilitates the functions of Council, and may not be open to the general public, for example a Council depot. There are no special restrictions on council powers to manage, develop, dispose or change the nature and use of Operational land.

Notification

- Council's notification for this public hearing adheres to the 21 day minimum statutory requirement under Council's community participation plan.
- Notification included a notice on Council's website, an advertisement in the local newspaper and letters addressed to neighbouring and surrounding properties.
- Details of the public hearing to be held in the Theatre Room, Penrith City Library at 601 High Street, Penrith on 18 August between 5.00-6.00pm.

Planning Proposal

Objectives

The objectives of this Planning Proposal is to amend the LEP 2010 to:

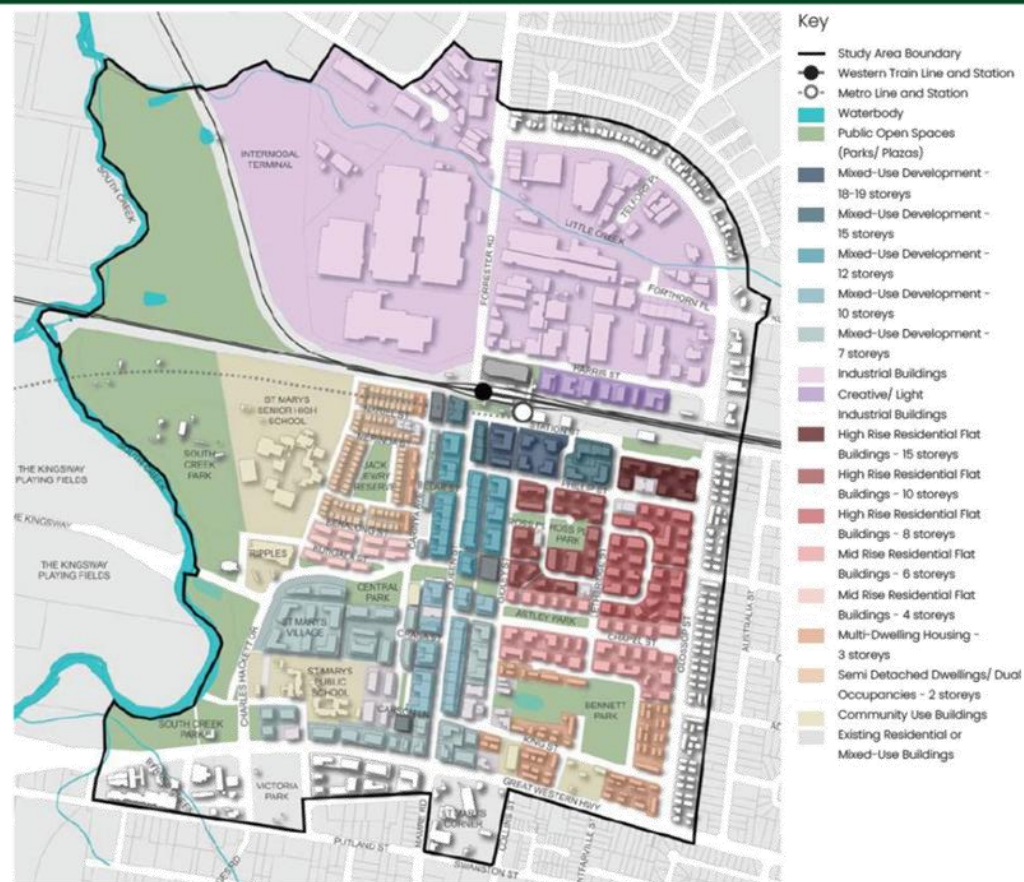
- **Amend *Schedule 4 Classification and Reclassification of Public Land of the Penrith Local Environmental Plan (2010) Part 2* to include:**
 - 12A Champness Crescent
 - 32A Champness Crescent and
 - 110A Dunheved Circuit
- Remove the Public Reserve Status.
- Enable Council to consider the future use of the land in line with existing zones.
- Facilitate the delivery and enhancement of the future uses for these sites including development, disposal or amalgamation with adjacent properties.
- Facilitate the implementation of the St Marys Town Centre Masterplan by contributing to economic growth and urban revitalisation.

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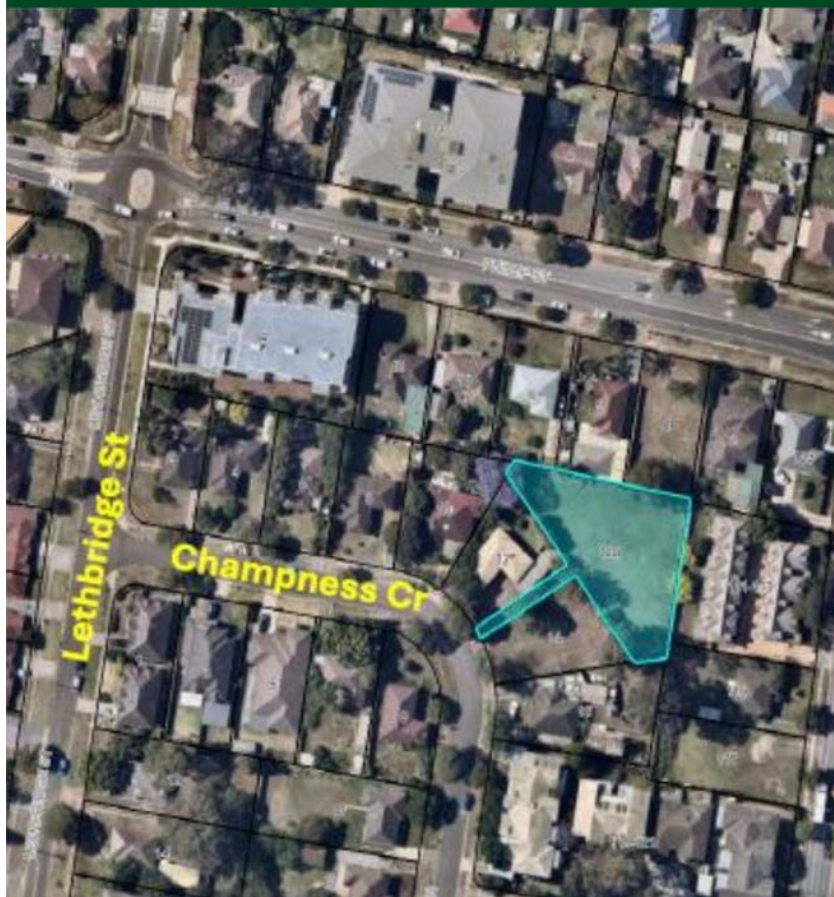
St Marys Town Centre Masterplan

- April 2024 – DPHI amended SEPP Housing to introduce TOD provisions.
- Implementation was deferred for SMTC until April 2025.
- Aim is to 'turn-off' the TOD provisions applying to SMTC.
- Master Plan
 - provides a place-based response to increasing housing and density near public transport.
 - will demonstrate how proposed planning controls will reflect and/or exceed the TOD provisions.
- St Marys Town Centre Master Plan endorsed by Council at its Ordinary Meeting on **3 March 2025**.
- St Marys Town Centre DCP and Contributions Plan endorsed at Councils Ordinary Meeting on **28 April 2025**.

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Site 1 – 12A Champness Crescent



Lot / DP Lot 41 DP 35970

Zoning R4 High Density Residential

Area 1315m²

Classification Community

Current Use Recreation

Restrictions Easement to Drain Water

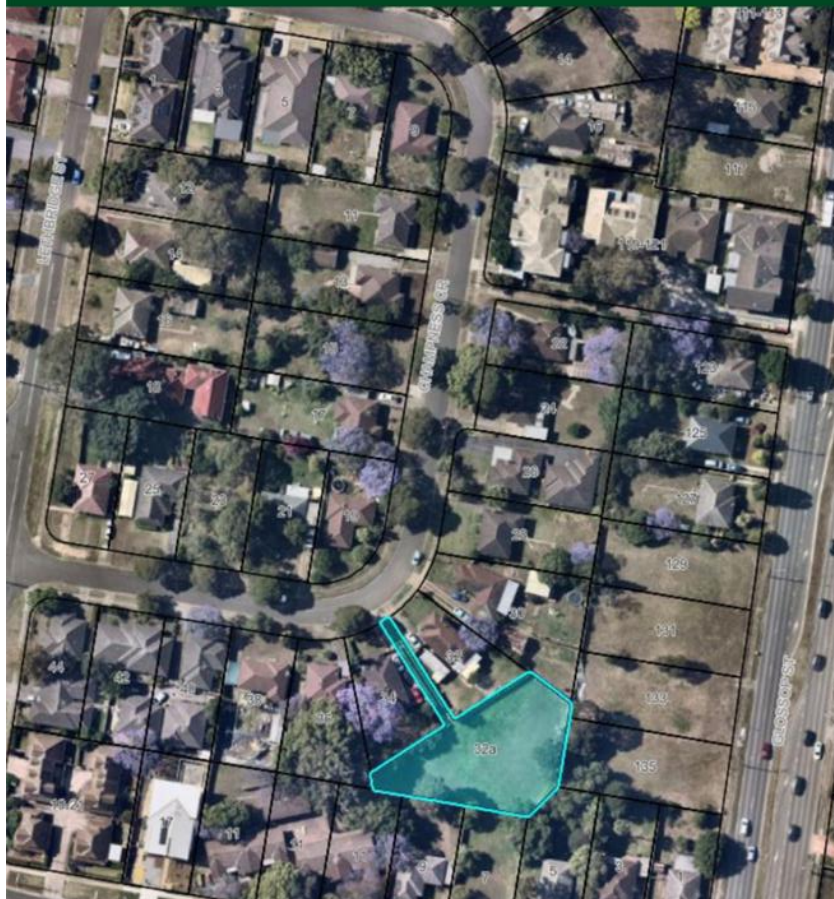
- Currently a vacant, battle-axed shaped lot public reserve
- Access is via narrow laneway
- Located adjacent to houses owned by Homes NSW
- Located in proximity to nearby transport and employment hubs and affordable housing providers.
- Site 1 will assist Council in achieving its housing supply priorities due to its location and proximity to the nearby Town Centre.
- Opportunity to amalgamate with adjacent lots to allow for integrated redevelopment for affordable housing – Working with Homes NSW.
- Will be part of the new Ridgetop Living Precinct as identified in the St Marys Master Plan.



Public Hearing



Site 2 – 32A Champness Crescent



Lot / DP	Lot 51 DP 35970	Classification	Community
Zoning	R4 High Density Residential	Current Use	Recreation
Area	1289m ²	Restrictions	N/A

- Currently a vacant, battle-axed shaped lot public reserve
- Access is via narrow laneway
- Located in proximity to nearby transport and employment hubs and affordable housing providers.
- Site 2 will assist Council in achieving its housing supply priorities due to its location and proximity to the nearby Town Centre.
- Opportunity to amalgamate with adjacent lots to allow for integrated redevelopment for affordable housing – Working with Homes NSW.
- Will be part of the new Ridgetop Living Precinct as identified in the St Marys Master Plan.



10

Site 3 – 110A Dunheved Circuit



Lot / DP Lot 211 DP 31909

Zoning E4 General Industrial

Area 2909m²

Classification Community

Current Use Storage

Restrictions Easement for Water

- Located in Penrith's Economic Triangle and near the Outer Sydney Orbital Corridor.
- Located within an existing industrial estate- Dunheved Business Park.
- Currently used as a site compound to support public utility works.
- Reclassifying the land will foster local employment and helps Council retains its industrial lands.
- Adjacent to the site is the Dunheved Estate Reserve, a 7,000sqm reserve that offers shaded areas and picnic facilities for local workers.



Public Addresses

- Not a forum to discuss broader aspects of the planning proposal, the St Marys Town Centre Masterplan, or questions around the future use or development of the sites. The future use, ownership, lease and development of the sites will be the subject of separate future processes
- 5 minutes to present, with a further 1 minute provided to make a public address
- Please be respectful of others making their address.



Thank you.

Whilst all care has been taken in the preparation of this presentation, the content is general in nature and APP Corporation Pty Limited (The APP Group) gives no warranty of any kind, express or implied regarding the completeness, accuracy, reliability, suitability or availability with respect to the information contained in this document, or the information, services or related graphics contained for any purpose, and as such parties must rely on their own enquiries.

Appendix B

Planning Proposal Notification Letter



The APP Group
A Bureau Veritas Company

Our reference: PP-2024-2610
Contact: Owen Lay
Telephone: 4732 7612

Dear Sir/Madam,

**Independently Chaired Public Hearing for Planning Proposal –
Reclassification of Three Sites in St Marys**

Council invites you to attend a public hearing associated with a Planning Proposal for the reclassification of three Council-owned sites from 'Community Land' to 'Operational Land'.

The Planning Proposal was publicly exhibited from Thursday 5 June 2025 to Monday 7 July 2025.

In accordance with Section 29 of the Local Government Act 1993, reclassification of Council-owned land requires an independently chaired public hearing to be held.

The public hearing gives the community an opportunity to expand on written submissions and to discuss issues with an independent person in a public forum. The chair will prepare a report on the public hearing, which will be reported to Council and made public.

The public hearing will take place on **Monday 18 August 2025 between 5:00pm – 6:00pm** in the Theatrette Room, which is located inside the Penrith City Library at 601 High Street, Penrith.

Information on the Planning Proposal and public hearing is available online at yoursaypenrith.com.au

For further enquiries please contact Owen Lay, Planner on 4732 7612 or owen.lay@penrith.city

Yours Sincerely



Brooke Levingston
Acting City Planning Coordinator

Appendix C

Written Submissions



The APP Group
A Bureau Veritas Company

[REDACTED]

From: [REDACTED]
Sent: Monday, 30 June 2025 11:01 PM
To: Local Plan Team
Cc: [REDACTED]
Subject: Objection to Reclassification and Proposed Development of Site 1 – 12A Champness Crescent, St Marys

Dear Brooke Levingston, Acting City Planning Coordinator of Penrith City Council

[REDACTED] and [REDACTED] have been residents and owners of the property located at [REDACTED], since 2009, which is situated in close proximity to the proposed reclassified site at 12A Champness Crescent, St Marys (Site 1 in the recent amendment proposal).

We wish to formally express our opposition to the proposed reclassification and potential development of this site. While we understand the need for urban development, we are deeply concerned about the negative impact this proposal will have on the amenity and live ability of our neighborhood. Our specific concerns are outlined below:

1. Loss of Sunlight and Privacy

The development of a high-density or large-scale building on the currently green and open site will significantly block natural sunlight to our home and potentially compromise our privacy. As residents who value the comfort and natural lighting in our home, this change would adversely affect our quality of life.

2. Decrease in Property Value

The introduction of a large development next to our residence is likely to result in a decline in our property's value due to overcrowding, noise, reduced green space, and visual obstruction. As homeowners, this is a major concern for us both financially and personally.

3. Need for More Green Space, Not Less

The site in question currently contributes to the green and open feel of our neighborhood. In a rapidly developing area like St Marys, it is vital to preserve such spaces for community well-being, recreation, and environmental health. Further urbanisation would contradict the broader community interest in maintaining a livable and sustainable suburb.

4. Increased Traffic and Infrastructure Pressure

Any significant development would inevitably increase traffic congestion, reduce on-street parking availability, and place additional pressure on local infrastructure, including roads, drainage, and public services. This would further deteriorate the quality of life for current residents.

We respectfully urge the Council to reconsider the reclassification of Site 1 at 12A Champness Crescent and explore alternative locations or community-focused uses for the site that better align with the needs of the existing residents.

Thank you for the opportunity to provide our feedback. We trust that the Council will prioritise the long-term interests of the St Marys community in making its decision.

Sincerely,

[Redacted signature]

[Redacted name and address]

~~HADJAR INVESTMENT PTY LIMITED~~

ABN: ~~86 124 951 919~~

Office: [REDACTED] Mobile: [REDACTED]

[REDACTED]

W: [REDACTED]

E: [REDACTED]

13th June 2025

**Planning Proposal –
Reclassification 3 sites Champness Circuit, Dunheved Circuit, St
Mary's**

Reference : PP-2024-2610

Dear sirs,

[REDACTED], currently own [REDACTED] and in favor in
reclassifying from Community Land to Operational Land.
It will be a positive economic development.

Kind regards

[REDACTED]

Director

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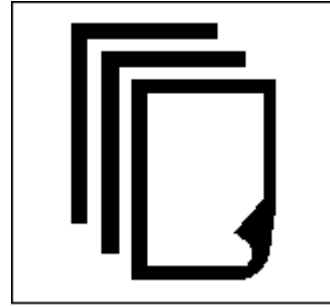
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ATTACHMENTS



Date of Meeting: Monday 22 September 2025

Report Title: Proposed Dedication of Land for a Riparian Corridor and Open Space within Village 6, Ninth Avenue, Jordan Springs (Western Precinct)

Attachments: Notice of Determination for Approval - Village 6 Riparian Corridor and Pocket Park, Jordan Springs

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA15/1535
Description of development:	Local Park and Landscape Embellishment Works (Village 6)
Classification of development:	N/A

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 1125 DP 1158660
Property address:	1125 Ninth Avenue, JORDAN SPRINGS NSW 2747

DETAILS OF THE APPLICANT

Name & Address:	Maryland Development Company Pty Ltd PO Box 4 PARRAMATTA NSW 2124
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DECISION OF CONSENT AUTHORITY

In accordance with Section 81(1) (a) of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions listed in attachment 1.

Please note that this consent will lapse on the expiry date unless the development has commenced in that time.

Date from which consent operates	29 April 2016
Date the consent expires	29 April 2018
Date of this decision	12 April 2016

POINT OF CONTACT

If you have any questions regarding this determination you should contact:

Assessing Officer:	Belinda Borg
Contact telephone number:	+612 4732 7505

NOTES

Reasons

The conditions in the attached schedule have been imposed in accordance with Section 80A of the Environmental Planning and Assessment Act 1979 as amended.

Conditions

Your attention is drawn to the attached conditions of consent in attachment 1.

Certification and advisory notes

You should also check if this type of development requires a construction certificate in addition to this development consent.

It is recommended that you read any Advisory Note enclosed with this notice of determination.

Review of determination

The applicant may request Council to review its determination pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 within 6 months of receiving this Notice of Determination.

You cannot make this request if the development is Designated Development, Integrated Development or State Significant development or if the application was decided by a Joint Regional Planning Panel.

Appeals in the Land and Environment Court

The applicant can appeal against this decision in the Land and Environment Court within six (6) months of receiving this Notice of Determination.

You cannot appeal if a Commission of Inquiry was held for the subject development application, or if the development is a State Significant Development.

An appeal to the Land and Environment Court is made by lodging an application to the Court in accordance with the Rules of the Court.

Designated development

If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 28 days after the date of this notice. The objector cannot appeal if a Commission of Inquiry was held.

If the applicant appeals against this decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 28 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

Joint Regional Planning Panels

If the application was decided by a Joint Regional Planning Panel, please refer to Section 23H of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

OTHER APPROVALS

APPROVAL BODIES

APPROVAL BODY NAME	DATE OF GENERAL TERMS OF APPROVAL	REF. NO.	NO. OF PAGES	RELEVANT LEGISLATION
Department of Primary Industries - Water	10 February 2016	10ERM2015/1238	4	Water Management Act 2000

The approval bodies listed above have provided General Terms of Approval for this development in accordance with the relevant legislation. A copy of these General Terms of Approval is provided with this development consent notice. Compliance with the relevant State Government departments' General Terms of Approval are required in conjunction with the following conditions listed in Attachment 1: Conditions of Consent issued by Penrith City Council.

ATTACHMENT 1: CONDITIONS OF CONSENT

General

- 1 The development must be implemented substantially in accordance with the stamped approved plans issued by Penrith City Council and other plans, the application form, the BASIX Certificate, reports or documents approved by Council, except as may be amended in red on the attached plans and by the following conditions:

Drawing Title	Drawing No.	Issue	Prepared by	Dated
Landscape Plans	DA00 - DA10	C	Group GSA	30 November 2015
Drainage Corridor Culvert Plan	9343/SK74	A	J Wyndham Prince	23 November 2015
Statement of Environmental Effects	Reference 15770	-	J B A U r b a n Planning Consultants	18 December 2015
Vegetation Management Plan	-	5	Environmental Partnership (NSW) Pty Ltd	27 July 2015
Waste Management Plan	-	-	Lend Lease	9 December 2015

- 2 The development shall not be used or occupied until an Occupation Certificate has been issued.

- 3 The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.

- 4 A **Construction Certificate** shall be obtained prior to commencement of any building works.

- 5 The development is required to comply with the General Terms of Approval (GTA) dated 10 February 2016, issued by the NSW Office of Water as outlined below:

- (a) These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2015/1216 and provided by Council:

- (i) Site plan, map and/ or surveys

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified DPI Water (formerly the NSW Office of Water) must be notified to determine if any variations to these GTA will be required.

- (b) Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.

- (c) The consent holder must prepare or commission the preparation of:

- (i) Vegetation Management Plan
(ii) Erosion and Sediment Control Plan

(ii) Soil and Water Management Plan

(d) All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with DPI Water guidelines located at www.water.nsw.gov.au/Water-Licensing/approvals/default.aspx

(i) Vegetation Management Plans

(ii) Riparian Corridors

(iii) In-stream works

(iv) Outlet structures

(e) The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to DPI Water.

(f) The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the DPI Water.

(g) The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the DPI Water.

(h) The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to DPI Water as required.

(i) The consent holder must provide a security deposit (bank guarantee or cash bond) - equal to the sum of the cost of complying with the obligations under any approval - to DPI Water as and when required.

(j) The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks, are left on waterfront land other than in accordance with a plan approved by DPI Water.

(k) The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by DPI Water, and (ii) do not obstruct the flow of water other than in accordance with a plan approved by DPI Water.

(l) The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by DPI Water.

(m) The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by DPI Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

(n) The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by DPI Water.

(o) The consent holder must establish a riparian corridor along the watercourse in accordance with a plan approved by DPI Water.

6 The landscape maintenance and handover of Village 6 Park shall be undertaken in accordance with the St Marys Western Precinct - Landscape Maintenance and Handover Plan (part of the St Marys Western Precinct Plan) which includes an on-going maintenance period of no less than 3 years (from the issue of an

Occupation Certificate).

- 7 The landscape maintenance and handover of Riparian Corridor (Proposed Lot 6149) shall be undertaken in accordance with the St Marys Western Precinct - Landscape Maintenance and Handover Plan (part of the St Marys Western Precinct Plan) which includes an on-going maintenance period of no less than 5 years (from the issue of an Occupation Certificate).
- 8 The development shall be carried out in accordance with the procedures set out in the Western Precinct Contamination Management Plan and the conditions and procedures set out in the Site Audit Statements relating to the Western Precinct.

Heritage/Archaeological relics

- 9 If any archaeological relics are uncovered during the course of the work no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office.

The applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act, 1977 may be required before any further work can be recommenced in that area of the site.

Environmental Matters

- 10 Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the development until the land, that was subject to the works, have been stabilised and grass cover established**. These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

- 11 No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to, considered and approved by Council. The Validation Certificate shall:
- state the legal property description of the fill material source site,
 - be prepared by an appropriately qualified person with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
 - clearly indicate the legal property description of the fill material source site,
 - provide details of the volume of fill material to be used in the filling operations,
 - provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
 - (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

{Note: An appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}.

If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.

- 12 All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.
- 13 All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

- 14 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 15 Dust suppression techniques are to be employed during construction to reduce any potential nuisance to surrounding properties.

BCA Issues

16 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

(a) complying with the deemed to satisfy provisions, or

(b) formulating an alternative solution which:

- complies with the performance requirements, or
- is shown to be at least equivalent to the deemed to satisfy provision, or
- (c) a combination of (a) and (b).

Construction

17 Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction. The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage, but no more than 2 signs, stating the above details is to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed on completion of earthworks or construction works and when a Compliance Certificate has been issued by the Principal Certifying Authority certifying that the development has complied fully with the development consent and, where required, been constructed in accordance with the Construction Certificate.

18 Construction works or subdivision works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

Engineering

19 All roadwork, stormwater, associated civil works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.

- 20 A Construction Certificate for the provision of landscaping works is to be approved by the certifying authority.

Prior to the issue of any Construction Certificate the Certifying Authority shall ensure that landscape plans are consistent with the stamped approved concept plan/s prepared by Group GSA, sheets DA-00 to DA-10, revision C, dated 30/11/2015 and that all subdivision works have been designed in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, and best engineering practice.

The works may include but are not limited to the following:

- Footpath Construction
- Stormwater management (quantity and quality)
- Sediment and erosion control measures
- Earthworks
- Bridges, culverts, retaining walls and other structures
- Landscaping and embellishment works

The Construction Certificate must be supported by engineering plans, calculations, specifications and any certification relied upon.

Note:

1. Councils Development Engineering Department can provide this service. Contact Penrith City Council's Development Engineering Department on 4732 7777 or visit Penrith City Council's website for more information.
- 21 Prior to commencement of any works associated with the development sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Managing Urban Stormwater series from the office of Environment and Heritage.

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

- 22 Works shall not commence until:

- a Construction Certificate has been issued,
- a Principal Certifying Authority has been appointed for the project, and
- any other matters prescribed in the development consent for works and the Environmental Planning and Assessment Act and Regulation have been complied with.

A Notice of Commencement of works is to be submitted to Penrith City Council five (5) days prior to commencement of landscaping works or clearing associated with the works.

- 23 At completion of the works and prior to the handover of assets to Penrith City Council, the Principal Certifying Authority shall ensure that all works required by this consent have been satisfactorily completed or

that suitable arrangements have been made with Penrith City Council for any outstanding works.

- 24 At completion of works and prior to handover of assets to Penrith City Council, the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Penrith City Council where Penrith City Council is not the Principal Certifying Authority:
- a) Work As Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work As Executed drawings shall be prepared in accordance with Penrith City Council's Engineering Construction Specification for Civil Works.
 - b) The WAE drawings shall be accompanied by plans indicating the depth of fill for the entire development site. The plans must show, by various shadings or cross hatchings, the depth of any fill within 0.3m depth ranges.
 - c) Structural Engineer's construction certification of all structures.
- 25 **Prior to the issue of a Construction Certificate**, the Certifying Authority shall ensure that the landscaping embellishment works do not conflict with engineering plans for:
- Jordan Springs Village 6 (Stage 6A), prepared by J. Wyndham Prince, reference 934310, sheets CC01 to CC58, and revision (date) A (31/07/2015), B (09/10/2015), D (31/07/2015), E (08/10/2015), F (18/11/2015), G (18/11/2015).
 - Jordan Springs Village 6 (Stage 6B), prepared by J. Wyndham Prince, reference 934310, sheets CC101 to CC134, and revisions (date) A (03/08/2015), B (08/07/2015), C (18/08/2015).
- 26 Prior to the issue of a Construction Certificate details of the outlet structure and interface with Ninth Avenue are to be submitted to Penrith City Council for Approval.
- 27 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that an accessible crossing through the riparian corridor accommodates the width and loading for the travel of emergency vehicles. Access to the emergency crossing shall be from both the eastern and western side of the riparian corridor from a public road.
- 28 **Prior to the issue of a Construction Certificate**, the Certifying Authority shall ensure that a safety rail for vehicles in accordance with Austroad Guidelines is provided along Ninth Avenue above the headwall that discharges stormwater from the culverts that travel beneath Ninth Avenue into the riparian corridor.
- 29 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that appropriate barrier fencing is provided where the footpath crosses the culverts/bridge within the riparian corridor.
- 30 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that details of floodway signage along the footpath crossing through the riparian corridor shall be detailed on the plan. Signage is to be in accordance with Australian Standards.

31 **Prior to the issue of a Construction Certificate** the certifying authority shall ensure that scour protection be provided for all stormwater outlets discharging into the riparian corridor including the stormwater discharge at the northern end of the riparian corridor from the culverts running below Ninth Avenue.

32 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that batter slopes with grades steeper than 1:5 (vertical:horizontal) are vegetated.

Landscaping

33 The approved landscaping for the site must be constructed by an appropriately qualified landscape professional.

34 All landscape works are to meet industry best practice and the following relevant Australian Standards:

- AS 4419 Soils for Landscaping and Garden Use,
- AS 4454 Composts, Soil Conditioners and Mulches, and
- AS 4373 Pruning of Amenity Trees.

35 All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in section F4 of Council's Landscape Development Control Plan.

36 No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

37 Prior to the formal handover of the Village 6 Park and Riparian Corridor, the applicant shall contact Council's City Parks Department for a final inspection to ensure all the works have been carried out in accordance with the requirements of the St Mary's Penrith Planning Agreement, as amended and to the satisfaction of Penrith City Council.

38 Landscaping works are to be undertaken in consideration of the *2010 Guidelines for Developments Adjoining Land and Water Managed by the Department of Environment and Climate Change*.

39 **Prior to the release of a Construction Certificate**, the landscape plans are to be amended to include the following:

- Three (3) additional deciduous trees are to be planted within the north-eastern area of the park (Marked G2 area on the Community Park - Tree Planting Plan prepared by Group GSA - Plan Reference DA05);
- The hardwood timber decks are to be constructed of an appropriate composite material;
- Timber bollards within the footpaths are to be removed;
- Lighting is to be provided within the shared path located within the riparian corridor; and
- Landscaping species are to be amended in response to advice provided by the Office of Environment and Heritage, Reference DOC16/157136.

40 **Prior to the release of a Construction Certificate**, specifications of the composite material to be used for the timber decks and bollards (if applicable) are to be submitted to Council's City Parks Department for consideration and approval.

41 **Prior to the issue of a Construction Certificate**, a detailed planting list that identifies the endemnicity

and seed source location is to be submitted to Penrith City Council for approval. If Council is not the certifying authority, a copy of Councils approval for the planting list is to be provided to the Principal Certifying Authority.

Species native and endemic to the Cumberland Plain Woodland vegetation community are to be used in the riparian corridors. Where practical to do so, plant stocks should be grown from seed sourced locally.

- 42 Prior to the installation of lighting within the riparian corridor shared path, specifications of the lighting are to be submitted to Council's City Works Department for consideration and approval.

Certification

- 43 Prior to the commencement of any earthworks or construction works on site, the proponent is to:
- (a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
 - (b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

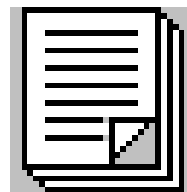
- 44 The site is subject to the provisions of the St Mary's Penrith Planning Agreement, as amended. The applicant is reminded of the obligations under the Planning Agreement with regard to the delivery of certain infrastructure and services as part of the development of the Western Precinct. All works shall be carried out in accordance with the requirements of the St Mary's Penrith Planning Agreement, as amended.

SIGNATURE

Name:	Belinda Borg
Signature:	

For the Development Services Manager

ATTACHMENT



Date of Meeting: 22 September 2025

Delivery Program: Outcome 5

Service: Financial Services

Report Title: 2025 - 2026 Voted Works

2025-26 VOTED WORKS

as at 22 September 2025

Meeting Approved	Ref	Description of Allocation	Amount \$	Expenditure	Manager Responsible
SOUTH WARD					
		Amount Available for 2025-26			
		Funds brought forward from 2024-25	246,140		
		2025-26 Funds	53,000		
		Total Vote for 2025-26	299,140		
		Amounts Allocated			
29-Apr-24	2	Nighttime Live Performance Partnerships**	5,000	-	CACP
12-Aug-24	13	Acceptance of Grant Funding - Natural Disaster Relief Assistance*	25,000	-	D&P
26-Aug-24	1	Penrith Mayoral Challenge - Monfarville Reserve*	15,000	-	D&P
26-May-25	UB1	Nepean Business Network Annual Event	1,000	1,000	CACP
25-Aug-25	NM3	Vegetation Clearing - Communications Plan	4,000		Communications
25-Aug-25	UB3	Nepean Evening View Club	305		CACP
25-Aug-25	UB2	The Haven - Fridge Replacement	433		CACP
25-Aug-25	UB1	Penrith Rotary Club - Annual Duck Race	1,667		CACP
			52,404		
TOTAL VOTE UNCOMMITTED FOR SOUTH WARD			246,736		
NORTH WARD					
		Amount Available for 2025-26			
		Funds brought forward from 2024-25	335,647		
		2025-26 Funds	53,000		
		Total Vote for 2025-26	388,647		
		Amounts Allocated			
29-Apr-24	2	Nighttime Live Performance Partnerships**	5,000	-	CACP
12-Aug-24	13	Acceptance of Grant Funding - Natural Disaster Relief Assistance*	25,000	-	D&P
26-Aug-24	1	Penrith Mayoral Challenge - Monfarville Reserve*	15,000	-	D&P
28-Apr-25	UB2	Hoa Tek Chiem and Kim Heang Gau - Buzzy Bee's Burger House***	931	931	CACP
26-May-25	UB1	Nepean Business Network Annual Event	1,000	1,000	CACP
25-Aug-25	NM3	Vegetation Clearing - Communications Plan	4,000		Communications
25-Aug-25	UB3	Nepean Evening View Club	305		CACP
25-Aug-25	UB2	The Haven - Fridge Replacement	433		CACP
25-Aug-25	UB1	Penrith Rotary Club - Annual Duck Race	1,667		CACP
		Total Vote Committed	53,335		
TOTAL VOTE UNCOMMITTED FOR NORTH WARD			335,312		
EAST WARD					
		Amount Available for 2025-26			
		Funds brought forward from 2024-25	245,095		
		2025-26 Funds	53,000		
		Total Vote for 2025-26	298,095		
		Amounts Allocated			
29-Apr-24	2	Nighttime Live Performance Partnerships**	5,000	-	CACP
12-Aug-24	13	Acceptance of Grant Funding - Natural Disaster Relief Assistance*	25,000	-	D&P
26-Aug-24	1	Penrith Mayoral Challenge - Monfarville Reserve*	15,000	-	D&P
26-May-25	UB1	Nepean Business Network Annual Event	1,000	1,000	CACP
30-Jun-25	UB4	Marquee and Trestle Tables - Team Colyton	1,693	1,693	CACP
25-Aug-25	NM3	Vegetation Clearing - Communications Plan	4,000		Communications
25-Aug-25	UB3	Nepean Evening View Club	305		CACP
25-Aug-25	UB2	The Haven - Fridge Replacement	433		CACP
25-Aug-25	UB1	Penrith Rotary Club - Annual Duck Race	1,667		CACP
		Total Vote Committed	54,097		
TOTAL VOTE UNCOMMITTED FOR EAST WARD			243,998		
SUMMARY					
		Total Vote for 2025-26	985,882		
		Less Total Vote Committed	159,837		
		TOTAL VOTE UNCOMMITTED	826,045		
		* Adopted March 2025 Quarter Revote			
		** Annual allocation for four years			
		*** Adopted June 2025 Quarter Revote			